

HC5PATI1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

S4 15 Cr. 867 RMB

5 MEHMET HAKAN ATILLA,

6 Defendant.

7 -----x

8  
9 December 5, 2017  
10 9:26 a.m.

11  
12 Before:

13 HON. RICHARD M. BERMAN,

14 District Judge  
15 and a jury

16  
17 APPEARANCES

18 JOON H. KIM,  
19 United States Attorney for the  
20 Southern District of New York  
21 MICHAEL DENNIS LOCKARD,  
22 SIDHARDHA KAMARAJU,  
23 DAVID WILLIAM DENTON, JR.,  
24 DEAN CONSTANTINE SOVOLOS,  
25 Assistant United States Attorneys

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(APPEARANCES Continued)

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Attorneys for defendant Atilla  
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THOMAS ELLIOTT THORNHILL, Esq.  
- and -  
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- and -  
LAW OFFICES OF JOSHUA L. DRATEL, P.C.  
BY: JOSHUA LEWIS DRATEL, Esq.  
Of counsel

Also Present:  
JENNIFER McREYNOLDS, Special Agent FBI  
MICHAEL CHANG-FRIEDEN, Paralegal Specialist USAO  
MS. ASIYE KAY, Turkish Interpreter  
MS. SEYHAN SIRTALAN, Turkish Interpreter

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Trial

1 (Trial resumed)

2 (In open court; jury not present)

3 THE COURT: Please be seated. So this morning within,  
4 I don't know, the last 20 minutes or so, I placed on the public  
5 docket both the defense letter dated yesterday, December 4, and  
6 the government's response, which I asked for by yesterday  
7 evening and which I received; so it's also dated December 4.

8 These letters discuss, as you're probably aware or  
9 maybe you're aware, the recent discovery given to the defense  
10 by the government. So those letters are both on the public  
11 docket, and I also included a short order ruling on the  
12 discovery materials, and I did that because I think it's very  
13 important that everyone be able to see and read both sides of  
14 the story regarding the legal import of those discovery  
15 materials.

16 The defense letter was on the docket yesterday  
17 temporarily, as I understand it, and I think it was there  
18 because it was not marked subject to a protective order and it  
19 was withdrawn because it was, in fact, subject to a protective  
20 order. My feeling is that since it was already viewed and  
21 widely commented upon publicly, without the benefit of knowing  
22 the other side of the story, there is no longer any good reason  
23 for that letter or the government's response not to be publicly  
24 available, and so they are both.

25 As I mentioned in my order, I do not believe the

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Trial

1 material discussed in the defense letter is Brady material. It  
2 is not exculpatory, as that term was used in the Brady case,  
3 nor is it the basis of a defense, as that phrase is used in  
4 Brady. At the same time, those materials may certainly be used  
5 by the defense to impeach, if the defense wishes to use it in  
6 that fashion.

7 Now, as to the timeliness of the disclosures, I do not  
8 find that the government violated my order regarding Brady  
9 materials. At the same time, I do believe that the government  
10 should, and is directed to, make disclosures more promptly  
11 going forward than it perhaps has done in the past and in  
12 accordance with the Court's recent discussions with the  
13 parties, which, as I remember correctly, should be Friday  
14 evenings by 7:00 for the following week. I'm not sure, but I  
15 think that these materials were produced on Sunday; is that  
16 right?

17 MR. KAMARAJU: Saturday.

18 THE COURT: Saturday at 11:57 p.m. In any event, I'd  
19 like to get those to the defense by Friday, as I recently  
20 discussed with all of you. So that's it with respect to those  
21 letters.

22 What I'm going to do today, now that the jury is  
23 already here, I want to play some more of those transcripts and  
24 perhaps get that all completed. If counsel for the government  
25 could show me that list of remaining transcripts.

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1 MR. KAMARAJU: Yes, your Honor.

2 (Pause)

3 THE COURT: Okay. So let's play the ones that have  
4 the arrow next to it. Does that leave only the 25-minute  
5 transcript, if we do that?

6 MR. KAMARAJU: I believe there's one more. I think  
7 that's a nine-and-a-half minute call, I believe. If I could  
8 have one minute, I'll see if that's right.

9 (Pause)

10 Yes, your Honor. I think there's one more, that's  
11 298-T, that's nine-and-a-half minutes.

12 THE COURT: So let's play that also now, and we'll  
13 have that one remaining, which I'm going to do sometime today  
14 as well.

15 MR. KAMARAJU: Okay. And then, your Honor, as far as  
16 any more for the government's direct, my colleagues remind me  
17 there are a couple of exhibits I forgot to move into evidence  
18 through Mr. Zarrab. I plan to do that.

19 THE COURT: Well, he's going to be on the stand for  
20 the transcript part anyway; so if you need more with him  
21 afterwards, that's fine.

22 MR. KAMARAJU: Okay.

23 THE COURT: And even ask him the same kind of  
24 preliminary questions about the recordings that you're about to  
25 play.

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Zarrab - Direct

1 MR. KAMARAJU: Okay.

2 THE COURT: Okay. So let's get the jury.

3 (Jury present)

4 THE COURT: Hi, how are you? So please be seated,  
5 everybody.

6 THE DEPUTY CLERK: Sir, before we begin, I'd like to  
7 remind you that you're still under oath.

8 THE WITNESS: (In English) Yes.

9 THE COURT: So I've asked the government to continue  
10 with some of those recordings, and counsel will indicate, as  
11 usual, which transcript it pertains to and reflect that  
12 transcript on your screens. So if you wish to follow along,  
13 you can do that.

14 MR. KAMARAJU: May I proceed, your Honor?

15 THE COURT: Yes.

16 MR. KAMARAJU: So the first call is Government  
17 Exhibit 291-T.

18 REZA ZARRAB,

19 called as a witness by the Government,

20 having been previously duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. KAMARAJU:

23 Q. Mr. Zarrab, do you remember this call?

24 A. Yes, I remember, sir.

25 Q. Have you listened to a recording of it?

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Zarrab - Direct

1 THE COURT: Can you speak into that microphone.

2 MR. KAMARAJU: Sure.

3 Q. Have you listened to a recording of it?

4 A. Yes, sir. I listened to it.

5 MR. KAMARAJU: Your Honor, with the Court's  
6 permission, we'd like to play the audio for 291-T.

7 THE COURT: And it's about how long?

8 MR. KAMARAJU: And it is about nine minutes.

9 THE COURT: Okay.

10 (Audiotape played)

11 BY MR. KAMARAJU:

12 Q. Now, Mr. Zarrab, was that a recording of the conversation  
13 reflected in Government Exhibit 291-T?

14 A. Yes, sir.

15 Q. And does Government Exhibit 291-T accurately reflect that  
16 conversation?

17 A. Yes, sir.

18 MR. KAMARAJU: With the Court's permission, we'd go on  
19 to the next call.

20 THE COURT: Sure.

21 MR. KAMARAJU: It's Government Exhibit 297-T. It's  
22 approximately four minutes.

23 THE COURT: Okay.

24 (Audiotape played)

25 BY MR. KAMARAJU:

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Zarrab - Direct

1 Q. Now, Mr. Zarrab, was that a recording of a conversation  
2 reflected in Government Exhibit 297-T?

3 A. Yes, sir.

4 Q. And does Government Exhibit 297-T accurately reflect that  
5 conversation?

6 A. Yes, sir.

7 MR. KAMARAJU: Your Honor, the next call is Government  
8 Exhibit 298-T. It's about nine-and-a-half minutes.

9 THE COURT: Okay.

10 (Audiotape played)

11 BY MR. KAMARAJU:

12 Q. Now, Mr. Zarrab, was that conversation the conversation  
13 reflected in Government Exhibit 298-T?

14 A. Yes, sir.

15 Q. And does Government Exhibit 298-T accurately reflect the  
16 conversation we just heard?

17 A. Yes, sir.

18 MR. KAMARAJU: Your Honor, the next call is Government  
19 Exhibit 300-T. It's about four minutes.

20 THE COURT: All right.

21 (Audiotape played)

22 BY MR. KAMARAJU:

23 Q. Now, Mr. Zarrab, was that a recording of the conversation  
24 reflected in Government Exhibit 300-T?

25 A. Yes, sir.



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Zarrab - Direct

1 Q. And does Government Exhibit 300-T accurately reflect the  
2 conversation we just heard?

3 A. Yes, sir.

4 MR. KAMARAJU: All right. Your Honor, the next call  
5 is Government Exhibit 304-T, and it's about six minutes.

6 THE COURT: Okay.

7 (Audiotape played)

8 BY MR. KAMARAJU:

9 Q. Mr. Zarrab, was that a recording of the conversation  
10 reflected in Government Exhibit 304-T?

11 A. Yes, sir.

12 Q. And does Government Exhibit 304-T accurately reflect the  
13 conversation we just heard?

14 A. Yes, sir.

15 MR. KAMARAJU: Your Honor, the last call is Government  
16 Exhibit 306-T.

17 THE COURT: How long?

18 MR. KAMARAJU: It's about a minute.

19 THE COURT: Yes. You know what, I think I'm going to  
20 do the long one too, actually.

21 MR. KAMARAJU: Okay.

22 THE COURT: Because it's part of Mr. Zarrab's  
23 testimony; so I don't know how we would do it otherwise.

24 MR. KAMARAJU: Okay. We'll cue that up for after.

25 (Audiotape played)

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Zarrab - Direct

1 BY MR. KAMARAJU:

2 Q. Mr. Zarrab, was that a recording of the conversation  
3 reflected in Government Exhibit 306-T?

4 A. Yes, sir.

5 Q. And does Government Exhibit 306-T accurately reflect that  
6 conversation?

7 A. Yes, sir.

8 MR. KAMARAJU: So the next one we discussed,  
9 Government Exhibit 232-T, it's about 25 minutes.

10 THE COURT: Okay. This is the last one, right?

11 MR. KAMARAJU: Your Honor, I believe there's actually  
12 just one more. I'm just figuring out how long it is. We'll go  
13 to 232-T and move on.

14 THE COURT: This is the longer one?

15 MR. KAMARAJU: Yes.

16 THE COURT: So bear with us. It's, what, 25 minutes?

17 MR. KAMARAJU: 25 minutes.

18 (Audiotape played)

19 (Continued on next page)

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Zarrab - Direct

1 Q. Mr. Zarrab, did we just listen to a recording of a  
2 conversation reflected in Government Exhibit 232-T?

3 A. Yes, sir.

4 Q. Does Government Exhibit 232-T accurately reflect the  
5 conversation we just heard?

6 A. Yes, sir.

7 MR. KAMARAJU: Last one, your Honor.

8 THE COURT: One more?

9 MR. KAMARAJU: Government Exhibit 229-T, and it is  
10 about two and a half minutes long.

11 THE COURT: Okay.

12 (Audio recording playing)

13 Q. Mr. Zarrab, did we just hear a conversation that was  
14 reflected in Government Exhibit 229-T?

15 A. Yes, sir.

16 Q. Does Government Exhibit 229-T accurately reflect that  
17 conversation?

18 A. Yes, sir.

19 MR. KAMARAJU: I believe that's all the calls, your  
20 Honor.

21 THE COURT: Great. Thanks for your patience. I think  
22 it is helpful that everybody knows what the jury knows.

23 Do you have anything else for Mr. Zarrab?

24 MR. KAMARAJU: I have another 15 minutes or so.

25 THE COURT: Do you need a break? We'll take a

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Zarrab - Direct

1 five-minute break.

2 (Jury excused)

3 THE COURT: We'll resume in about five minutes.

4 Thanks.

5 (Recess)

6 (In open court; jury present)

7 THE DEPUTY CLERK: Sir, again I'd like to remind you,  
8 you're still under oath.

9 THE WITNESS: Yes, ma'am.

10 MR. KAMARAJU: May I proceed, your Honor?

11 THE COURT: Sure.

12 BY MR. KAMARAJU:

13 Q. Mr. Zarrab, I'd like to show you what has been marked for  
14 identification as Government Exhibit 1270, 1270-T, 1271,  
15 1271-T, 1272, 1272-T, 1273, 1273-T, 1274, 1274-T, 1275, 1275-T,  
16 1276, 1276-T, 1277, 1277-T, 1278, 1278-T, 1279, 1279-T and 1280  
17 and 1280-T.

18 MR. KAMARAJU: All the exhibits that I mentioned that  
19 are dash T have already been admitted subject to connection.

20 MS. FLEMING: We stipulated to the translation, your  
21 Honor.

22 MR. KAMARAJU: May I approach?

23 THE COURT: Yes.

24 MR. KAMARAJU: I thought it might be easier for a hard  
25 copy for you.

HC53ATI2

Zarrab - Direct

1 THE COURT: Thanks.

2 Q. Mr. Zarrab, can you just take a moment to review those  
3 exhibits.

4 A. Yes, sir.

5 Q. Have you had a moment to look at them?

6 A. Yes, sir.

7 Q. Do you recognize them?

8 A. Yes, sir, I recognize them.

9 Q. What are they?

10 A. They're messages.

11 Q. Who are the participants to those messages?

12 A. They are messages between myself and my lawyer who had  
13 political connections.

14 Q. Approximately when did these communications take place?

15 A. In the year of 2014 and continuing from there.

16 Q. What was the general topic of these conversations?

17 A. They're about Halkbank and about the Iranian trade with the  
18 bank.

19 Q. Do these communications -- I'm sorry, you said they  
20 occurred in 2014?

21 A. Yes, sir. The best I can remember.

22 Q. Generally speaking, what were you discussing about Halkbank  
23 and the Iranian business?

24 A. This is about continuing on with the existing -- the former  
25 system at Halkbank for this trade.

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Zarrab - Direct

1 Q. So are these communications about your attempts to restart  
2 your business at Halkbank?

3 A. Yes, sir.

4 THE COURT: This is after the December arrest in 2013?

5 THE WITNESS: Yes, your Honor.

6 MR. KAMARAJU: The government would offer Government  
7 Exhibit 1270, 1270-T, 1271, 1271-T, 1272 -- actually, 1272,  
8 1273, 1274, 1275, 1276, 1277, 1278, 1279 and 1280.

9 MS. FLEMING: Can we get the the name of the lawyer  
10 whose name was on it?

11 Q. What's the name of the attorney?

12 A. Mustafa Dogan.

13 MR. KAMARAJU: Government will offer them.

14 THE COURT: I'll allow them.

15 (Government's Exhibit 1270 through 1280 received in  
16 evidence)

17 BY MR. KAMARAJU:

18 Q. I didn't have a lot of questions on those, Mr. Zarrab.

19 I'd like to show you a different exhibit. Government  
20 Exhibit 6012. Can you take a look at that.

21 A. Yes, sir.

22 Q. Do you recognize it?

23 A. I recognize it, sir.

24 Q. What is it?

25 A. It's electronic mail, sir.

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Zarrab - Direct

1 Q. Who sends the e-mail?

2 A. Jafar Saeid, sir.

3 Q. Who is that?

4 A. It is one of the employees that worked in my company during  
5 that time frame, sir.

6 Q. Who receives the e-mail?

7 A. Aykut Okumus, sir.

8 Q. Remind us who that is.

9 A. Aykut Okumus is one of the employees that worked in my  
10 company during that period of time, and he worked in the  
11 department that had communication with the bank.

12 Q. What is the date of the e-mail?

13 A. August 5, 2013, sir.

14 Q. We can turn to the next page of the exhibit.

15 Do you recognize what's here?

16 A. I recognize it, sir.

17 Q. What is it?

18 A. This is a sample invoice. It is one of those documents  
19 that we turn in to Halkbank. It is among those documents that  
20 would be submitted to Halkbank.

21 Q. Can we go to the next page, please.

22 Do you recognize this?

23 A. Yes, sir.

24 Q. What is it?

25 A. And this also is one of the documents that is part of the

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Zarrab - Direct

1 documentation that would be submitted to the bank, to Halkbank.

2 Q. Was that type of document submitted regularly to the bank?

3 A. This is one of those documents that would fall into the set  
4 of documents that we turn in to submit to the bank per  
5 transaction, sir.

6 MR. KAMARAJU: The government would offer Government  
7 Exhibit 6012 and ask to publish it to the jury.

8 MS. FLEMING: Objection. Foundation and hearsay.

9 THE COURT: I'll allow it.

10 MR. KAMARAJU: If we can go back to page two.

11 (Government's Exhibit 6012 received in evidence)

12 Q. Remind us again what this document is.

13 A. It is a pro forma or it's an invoice, and it is the invoice  
14 that shows what would correspond with the payment that had been  
15 sent from Iran.

16 Q. Does this invoice reflect what goods are supposedly being  
17 shipped?

18 A. On the document.

19 Q. Yes.

20 A. In other words, there is no real products being shipped.  
21 Only on the document. This document shows it as if they are,  
22 yes.

23 Q. What does the document say is being shipped?

24 A. (In English) Frozen chicken leg.

25 Q. Where does it say frozen chicken leg comes from?



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Zarrab - Direct

1 A. It shows under the item "description" section.

2 Q. What country does the frozen chicken leg originate in?

3 A. Ukraine.

4 Q. What is the quantity of the frozen chicken leg that's  
5 reflected on this document?

6 A. It's 4,365 tons.

7 Q. Where are the frozen chicken legs supposed to be delivered?

8 A. To Iran.

9 Q. Where on this document do you see that?

10 A. When we look that the document as it's shown on the screen,  
11 from the very top it is the second box down and over, and it  
12 says "final delivery place."

13 Q. Do you see the box that says "amount" on almost the bottom  
14 right of the screen there?

15 A. Yes, sir.

16 Q. What's that?

17 A. It's the total amount for the chicken legs.

18 Q. What is listed there?

19 A. 5,107,050 euros, sir.

20 Q. Do you see where it says "name of the beneficiary company"?

21 A. Yes, I see that, sir.

22 Q. What's that field represent?

23 A. So this is the name of the buyer's account, and it  
24 represents the money that would be sent for the chicken legs  
25 for this transaction.

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Zarrab - Direct

1 Q. Do you see where it says "name of the bank"?

2 A. Yes, sir.

3 Q. What is listed there?

4 A. This is the name of the bank that the money would be sent  
5 to from Iran and that money would be received at.

6 Q. On this document, which bank is that?

7 A. Turkey Halkbank.

8 MR. KAMARAJU: Can we go to the next document.

9 Q. What's this?

10 A. This is also one of those documents that would be turned to  
11 the bank as documentation.

12 Q. What does this document reflect?

13 A. This also has some information about the transaction.

14 Q. Do you see where it says "frozen chicken leg"?

15 A. Yes, I see that, sir.

16 Q. What is that a reference to?

17 A. This is the product that's supposedly going to Iran.

18 MR. KAMARAJU: Can we turn to the next document.

19 Q. What are we looking at here?

20 A. This is the SWIFT message, the telex message that was sent  
21 from Iran for the payment to be made with Halkbank.

22 Q. When you say "payment," what is it a payment for?

23 A. For the frozen chicken legs.

24 MR. KAMARAJU: Can we go to the next document, please.

25 Q. What's this?

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Zarrab - Direct

1 A. And this is the instruction by Royal Company saying that  
2 the money should be transferred to the Halkbank account of the  
3 supplier company, and by Royal I mean the company that I own.  
4 And by Atlantis Capital General Trading, I mean the company  
5 that is under my control.

6 MR. KAMARAJU: Can we look at the next one.

7 Q. What's this?

8 A. This is an instruction from Atlantis Capital Trading to  
9 Halkbank. And with this document, Atlantis accepts to receive  
10 the money that would be coming from Royal account.

11 MR. KAMARAJU: Can we move to the next one, please.

12 Q. What's this document?

13 A. And this is the supplier invoice that Atlantis Capital  
14 General Trading had cut for Royal Maritime.

15 Q. If we can look at the next document. What's this?

16 A. It is not very legible, but I'm testifying based on its  
17 similarity to the documents that we had seen. It is a customs  
18 document. It is a Dubaian customs document.

19 Q. Does it show that frozen chicken legs were exported?

20 A. Yes, sir, that's written.

21 Q. Could we look at the next document. What's this?

22 A. This is a bill of lading, sir.

23 Q. What is reflected under the description of goods?

24 A. Frozen chicken legs, sir.

25 Q. Do you see at the top where it says "declaration of

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Zarrab - Direct

1 export"?

2 A. Yes, sir.

3 Q. Did you say this was a bill of lading?

4 A. This is like a bill of lading. I had mentioned the small  
5 vessels that were going to and from Iran. And for those  
6 vessels, this represents the customs exit form. For example,  
7 it could also show all the information related to the transport  
8 such as the ship's information, so it goes for anything for  
9 those types of small vessel shipments.

10 Q. Can we look at the next document, please. What's this?

11 A. I can't see the top section.

12 THE COURT: Do you all have it? There you go. Is  
13 that better?

14 MR. KAMARAJU: We'll try again.

15 Q. What is this?

16 A. And this is the final invoice that was cut by Royal, sir.

17 Q. When would you typically cut the final invoice?

18 A. At the last, the final phase.

19 Q. Do you see at the top where it says "Credit Institution for  
20 Development"?

21 A. Yes, I see that, sir.

22 Q. What is that?

23 A. This is the name of an Iranian bank, sir.

24 Q. From these documents, can you tell what role the Iranian  
25 bank was supposed to be playing in this transaction?

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1 A. The frozen chicken legs were purchased by the Iranian bank,  
2 sir.

3 Q. Mr. Zarrab, were you ever in the frozen chicken leg  
4 business?

5 A. I've never traded chicken, sir.

6 Q. I'd like to show you what has been marked for  
7 identification as Government Exhibit 6013.

8 Do you recognize this exhibit?

9 A. Yes, sir, I recognize it.

10 Q. What is it?

11 A. It is an electronic mail, sir.

12 Q. Who sent it?

13 A. Jafar Saeid, sir.

14 Q. Who is it sent to?

15 A. Aykut Okumus, sir.

16 Q. Do both of those people work for you?

17 A. Yes, both of these individuals were among the personnel  
18 that worked with me at that time.

19 MR. KAMARAJU: Can we turn to the next page of the  
20 exhibit, please. Blow that up.

21 Q. What's this?

22 A. This is a document that is for a different product, but is  
23 one that was within the set of documents that we had looked at  
24 earlier.

25 Q. So, is this an example of the kind of document you

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Zarrab - Direct

1 submitted to Halkbank?

2 A. Yes, sir.

3 Q. What kind of document is this?

4 A. It's the pro forma, the first invoice, sir.

5 MR. KAMARAJU: If we can turn to the next, turn to the  
6 next page.

7 Q. What's this?

8 A. This is the message that's sent so that the money would be  
9 sent from the Iranian bank to our account, sir.

10 Q. Mr. Zarrab, is this a package of documents that would  
11 typically be submitted to Halkbank?

12 A. Yes, sir.

13 MR. KAMARAJU: Government would offer Government  
14 Exhibit 6013.

15 MS. FLEMING: Objection. Foundation and hearsay.

16 THE COURT: I'll allow it.

17 (Government's Exhibit 6013 received in evidence)

18 THE COURT: Are you going to ask more questions about  
19 it?

20 MR. KAMARAJU: Yes, just a couple.

21 THE COURT: Sure. For example, what product is  
22 covered?

23 MR. KAMARAJU: Yes, your Honor. That's exactly what I  
24 was going to ask.

25 Q. We're on page two of the exhibit. I believe you testified

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Zarrab - Direct

1 this is a pro forma invoice; is that right?

2 A. Yes, sir, that's correct.

3 Q. Does it relate to a purported shipment of goods?

4 A. Only on the document, sir.

5 Q. What goods are shown on the document?

6 A. (In English) Coconut virgin oil.

7 Q. Where is the coconut virgin oil supposed to originate?

8 A. Indonesia.

9 Q. How much coconut virgin oil was supposed to be shipped?

10 A. 2,360 tons.

11 Q. What's the amount of the transaction?

12 A. 5,074,000 euros, sir.

13 Q. Who is selling the coconut virgin oil, according to the  
14 document?

15 A. Royal Maritime Industrial Machinery Company, which is the  
16 company that I own, sir.

17 Q. Who is listed on the document as the buyer for the coconut  
18 virgin oil?

19 A. Credit Institute for Development.

20 Q. Remind us, what's that?

21 A. This is an Iranian bank, sir.

22 Q. I'd like to show you what's been marked for identification  
23 as Government Exhibit 6014.

24 A. Yes, sir.

25 Q. Do you recognize this document?

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Zarrab - Direct

1 A. I recognize it, sir.

2 Q. What is it?

3 A. It's an electronic mail, sir.

4 Q. Who is it from?

5 A. Jafar Saeid, sir.

6 Q. Who is it to?

7 A. Aykut Okumus, sir.

8 Q. Do they both work for you?

9 A. Yes, sir, both of these individuals worked for my company  
10 during that period of time.

11 Q. What's the date of the e-mail?

12 A. August 5, 2013, sir.

13 Q. Can we turn to the next page, please. What's this?

14 A. This is also the initial invoice, the pro forma invoice  
15 that is provided by our company, sir.

16 Q. When you say provided by your company, who would it be  
17 provided to?

18 A. This is one of those documents that belongs to the package  
19 of documents that are given to the bank.

20 MR. KAMARAJU: The government would offer Government  
21 Exhibit 6014.

22 MS. FLEMING: Objection. Foundation and hearsay.

23 THE COURT: I'll allow it.

24 (Government's Exhibit 6014 received in evidence)

25 MR. KAMARAJU: If we can publish that at page two,



HC53ATI2

Zarrab - Direct

1 please.

2 Q. What good is listed on this document as being shipped?

3 A. Frozen chicken breast.

4 Q. According to the document, where does the frozen chicken  
5 breast come from?

6 A. It's Brazil, sir.

7 Q. According to the document, where does it go?

8 A. Bandar Abbas, Iran, sir.

9 Q. According to the document, how much frozen chicken breast  
10 was supposed to be shipped?

11 A. 745 tons, sir.

12 Q. What was the amount of the transaction?

13 A. It is 5,114,425 euros -- excuse me. Turkish lira, sir.

14 Q. Who is supposed to be selling the frozen chicken breast,  
15 according to the document?

16 A. It's Royal Maritime Industrial Machinery Company, which is  
17 the company that I own, sir.

18 Q. Who is supposed to be buying the frozen chicken breast,  
19 according to the document?

20 A. Credit Institution for Development, sir.

21 MR. KAMARAJU: Last one. Could we please pull up for  
22 identification Government Exhibit 6015.

23 Q. Do you recognize it?

24 A. Yes, sir, I recognize it.

25 Q. What is it?

HC53ATI2

Zarrab - Direct

1 A. It is an electronic mail, sir.

2 Q. Whose it from?

3 A. From Jafar Saeid, sir.

4 Q. Who is it to?

5 A. Aykut Okumus, sir.

6 Q. What's the date of the e-mail?

7 A. August 5, 2013, sir.

8 MR. KAMARAJU: Can we turn to the next page, please.

9 Q. What's this?

10 A. It the pro forma invoice that was submitted by our company,  
11 the company that I own, to the bank.

12 MR. KAMARAJU: The government would offer Government  
13 Exhibit 6015.

14 MS. FLEMING: Objection. Foundation and hearsay.

15 THE COURT: I'll allow it.

16 (Government's Exhibit 6015 received in evidence)

17 MR. KAMARAJU: And ask to publish at page two.

18 THE COURT: Okay.

19 Q. Mr. Zarrab, according to the document, what goods were  
20 supposed to be shipped?

21 A. Virgin olive oil, sir.

22 Q. How much virgin olive oil was supposed to be shipped?

23 A. 1,011 tons, sir.

24 Q. What was the value of the transaction?

25 A. It is 5,095,440.

HC53ATI2

Zarrab - Direct

1 Q. According to the document, who was selling the virgin olive  
2 oil?

3 A. The Royal Maritime and Industrial Machinery Trade Company,  
4 sir.

5 THE COURT: The amount you stated is in what currency?

6 THE WITNESS: Turkish lira, your Honor.

7 Q. Who is supposed to be buying the virgin olive oil,  
8 according to the document?

9 A. Credit Institute for Development, sir.

10 Q. Mr. Zarrab, have you ever traded coconut virgin oil?

11 A. I've never traded coconut oil.

12 Q. Have you ever traded frozen chicken breasts?

13 A. No. I've never done frozen chicken legs either.

14 Q. Have you ever traded virgin olive oil?

15 A. No, sir, I never traded olive oil either.

16 Q. Did you ever tell anyone at Halkbank that you did trade any  
17 of those products?

18 A. No. They only had what's shown on the documents.

19 Q. Are the documents that we've been looking at, are those the  
20 kinds of documents you were discussing with Halkbank?

21 A. Yes, sir. These are the documents that are presented to  
22 Halkbank from our company.

23 Q. Are these the kinds of documents that you were discussing  
24 with Hakan Atilla?

25 A. Yes, sir. It is among the set of documents, the

HC53ATI2

Zarrab - Cross

1 documentation, that was agreed upon in the beginning.

2 MR. KAMARAJU: If I could have just one moment, your  
3 Honor.

4 No further questions at this time, your Honor.

5 THE COURT: Thank you. Ms. Fleming for  
6 cross-examination.

7 MS. FLEMING: Thank you, your Honor.

8 Your Honor, may I proceed?

9 THE COURT: Sure.

10 CROSS-EXAMINATION

11 BY MS. FLEMING:

12 Q. Good morning, Mr. Zarrab. My name is Cathy Fleming, and  
13 along with the other people at the counsel's table, I represent  
14 Mr. Atilla.

15 A. Good morning, ma'am.

16 Q. We met briefly once at the MDC for about a minute, correct?

17 A. No, ma'am.

18 Q. You don't remember meeting me at the MDC to find out when  
19 your lawyers were going to leave so we would have the  
20 opportunity to meet with our client?

21 A. I remember, ma'am.

22 Q. You have declined to meet with any of us with your lawyers  
23 so that we could interview you and ask you any of the facts;  
24 isn't that true?

25 A. I have met with this lady twice, that was also in the back

HC53ATI2

Zarrab - Cross

1 during a court hearing. So not once, but I had met her twice.

2 That's why I had said no to one time, ma'am.

3 Q. So when I was speaking with my client in the back, you saw  
4 me, correct? That's what you're referencing?

5 A. The lady, just like in the MDC, as she was passing by she  
6 said hello, hello, and passed by just like during that time.

7 Q. But you have refused to be interviewed by Mr. Atilla's  
8 counsel in the presence of your lawyers just so we could ask  
9 you about questions before this trial; isn't that true?

10 A. Yes, I refused to meet with Mr. Hakan Atilla's lawyers.

11 Q. And that is because you were angry at what Mr. Atilla and  
12 his lawyers said about you in motion papers; isn't that  
13 correct?

14 A. It is absolutely not correct, no.

15 Q. Isn't that what you had your lawyer tell us?

16 A. It is one of those things that I had asked him to convey.

17 Q. Let me just ask you a couple of questions to make clear  
18 what we heard on direct.

19 You never paid a bribe to Mr. Atilla, correct?

20 A. No, I have never paid bribes to Mr. Hakan Atilla, ever.

21 Q. And Mr. Atilla has never asked you for any money, ever,  
22 correct?

23 A. That is correct; Mr. Hakan Atilla has never requested any  
24 money from me, ever.

25 Q. And you are aware that he was never fond of you; is that

HC53ATI2

Zarrab - Cross

1 fair to say?

2 A. That is fair, ma'am.

3 Q. It's fair that you did not like him either?

4 A. That is fair, ma'am.

5 Q. It's also fair to say that during the time of your business  
6 at Halkbank, you complained about Mr. Atilla to his boss,  
7 Mr. Suleyman Aslan?

8 A. Sometimes, ma'am.

9 Q. In fact, in addition to the recording we heard where you  
10 called him a wrench in the gears, you have complained about him  
11 at other times, correct?

12 A. That is absolutely correct, ma'am.

13 Q. It's also true that in your phones he was never -- he was  
14 not in your contacts that we have here in discovery, correct?

15 A. That is correct. Mr. Hakan Atilla's phone number is not  
16 among the contacts that was in the discovery.

17 Q. And we have seen in Exhibit 1002 and 1002-T approximately  
18 1,000 or slightly more than 1,000 messages between you and  
19 Mr. Suleyman Aslan; is that correct?

20 A. I don't know the count of the messages, but it is true that  
21 I was in a more regular contact with Mr. Suleyman Aslan; that  
22 is correct.

23 Q. More regular contact. Do you agree with me that there are  
24 approximately 55 pages contained in Government Exhibit 1002,  
25 and approximately 15 to 20 messages per page?

HC53ATI2

Zarrab - Cross

1 A. As I said, I don't recall, I don't know the page count.  
2 But it is true that I was in a close relationship with  
3 Mr. Suleyman Aslan.

4 MS. FLEMING: Your Honor, may I approach?

5 THE COURT: Sure.

6 Q. And your chats with Mr. Aslan only covered the period from  
7 December 2012 through approximately the end of November 2013;  
8 isn't that correct?

9 A. I don't know the exact date range that is reflected on the  
10 document that you're holding, ma'am.

11 Q. In addition to Mr. Aslan, you had chats with a number of  
12 other people, correct?

13 A. Can I get a more specific question?

14 Q. Do you remember whether in 2012 and 2013 whether you did  
15 WhatsApp chats with any other people?

16 A. Of course, there would have been many messaging sessions.

17 Q. Do you remember -- withdrawn.

18 MS. FLEMING: Your Honor, may I approach?

19 THE COURT: Sure.

20 Q. I'm going to show you what's been entered into evidence as  
21 Government Exhibit 1002 and ask you to take a look at  
22 Government Exhibit 1002 and see if that helps your memory on  
23 what time frame is covered by those chats with Suleyman Aslan.

24 A. On this document that was handed to me just now, the date  
25 range shows that the messaging began on December 23, 2012, and

HC53ATI2

Zarrab - Cross

1 ended on November 22, 2013.

2 Q. You have 1002, which is the Turkish version. Can you tell  
3 us how many pages are contained reflecting that approximate 11  
4 months and then approximately how many messages there are per  
5 page?

6 MR. KAMARAJU: Objection.

7 THE COURT: I'll allow it.

8 A. The page count of the document I was just handed over to me  
9 appears to be 49. And the message count that I counted on the  
10 first page is 16, ma'am.

11 (Continued on next page)

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HC5PATI3

Zarrab - Cross

1 Q. And it's true, is it not, that you never had a single chat  
2 message with Mr. Atilla, correct?

3 A. I don't recall whether there was any message with  
4 Mr. Atilla, but I just don't recall.

5 Q. He's not in your phone is he? His number is not in your  
6 phone, is he, sir?

7 THE COURT: We've been over that, haven't we?

8 THE INTERPRETER: Could you please repeat that?

9 MS. FLEMING: Withdrawn.

10 Q. You've had, since you were arrested in this case, the  
11 discovery in this case, correct?

12 A. By discovery, I don't know what you mean.

13 Q. Did you receive, as a defendant in this case, all of the  
14 recordings that were provided by the government for you to  
15 review?

16 A. It is true that discovery documents were provided to my  
17 lawyers since my arrest, and this evidence was provided from  
18 time to time in part, and I don't know what date range or what  
19 it covered as far as what was provided to us.

20 Q. You certainly listened to many, many recordings in Turkish,  
21 have you not, sir?

22 THE COURT: You mean here in court or outside?

23 MS. FLEMING: No, outside. Prior to coming to court.

24 A. I don't understand exactly what you mean by "many."

25 Q. Before you agreed to cooperate with the government, you

HC5PATI3

Zarrab - Cross

1 certainly listened to some of your recorded conversations in  
2 discovery, correct?

3 A. No, that is absolutely not correct.

4 Q. You had not listened to any of your conversations before  
5 you made a decision to plead guilty?

6 A. When the CD came, out of curiosity I opened up and I  
7 listened to a few, but I didn't listen to the rest because I  
8 already knew them from December 17th.

9 Q. So you had listened to them back in Turkey, back in  
10 December 2013, January 2014?

11 MR. KAMARAJU: Objection.

12 A. That is not correct.

13 Q. And after you agreed to plead guilty with the government,  
14 you certainly listened to many of the recordings more than  
15 you've heard played in this courtroom, correct?

16 A. No, it was not many more than this. Maybe a few more,  
17 maybe a few less, I don't know.

18 Q. You listened to less calls in preparation for trial than  
19 you heard here in the courtroom; is that your testimony?

20 A. No, I'd like to correct what was understood. What I meant  
21 was the use of the saying in Turkish more or less. So what I  
22 meant was that I listened to the conversations. I have not  
23 listened to hundreds of them, not that many, but I have  
24 listened to more or less the conversations that you're  
25 referring to.

HC5PATI3

Zarrab - Cross

1 Q. And -- There's no question.

2 A. And, again, I'd like to make sure this is on the record,  
3 that we're talking about a Turkish --

4 Q. There's no question.

5 THE COURT: He's answering your question.

6 MS. FLEMING: Your Honor, I think I'm asking questions  
7 yes or no.

8 THE COURT: Well, if that's the case, we haven't done  
9 that yet.

10 MS. FLEMING: Well, I'd ask the Court to please  
11 instruct the witness to answer my questions responsively.

12 THE COURT: You have to ask the question yes or no.

13 BY MS. FLEMING:

14 Q. Have you listened to more than 50 calls in Turkish before  
15 you came to court?

16 THE COURT: Yes or no?

17 Q. Yes or no.

18 A. I don't remember the count.

19 Q. Have you listened to more than four calls with Mr. Atilla's  
20 voice on it?

21 A. I listened to four. I don't recall anything over that.

22 Q. Now, you've been involved in the cash exchange business and  
23 various -- the various kinds of businesses that you've  
24 described here, since at least 2010; yes or no?

25 A. Yes, ma'am.

HC5PATI3

Zarrab - Cross

1 Q. And you did not even meet Mr. Atilla until sometime late in  
2 2012, according to your testimony, correct? Yes or no.

3 A. Yes, ma'am.

4 Q. Now, you told us in this court that you remember him at an  
5 October meeting in 2012; do you remember that?

6 A. I did not mean that as the first ever meeting, ma'am.

7 Q. You told us that you remembered him being at a meeting  
8 where you discussed business related to what you called the  
9 Iranian business in October 2012; yes or no?

10 A. Yes, ma'am, that's correct.

11 Q. But in preparation for testimony and in your proffers, do  
12 you remember telling the prosecutors and the FBI that you  
13 remembered definitely Levent Balkan being there, but you  
14 weren't sure if Mr. Atilla was there for that one? Do you  
15 remember that; yes or no?

16 A. No, that is not correct.

17 Q. Do you remember meeting with members of the prosecution  
18 team on August 23rd, 2017? It was your very first proffer  
19 meeting. Do you remember that meeting?

20 A. I don't recall it as a date. What I remember is the first  
21 proffer meeting; that is correct.

22 Q. But you don't remember telling those prosecutors -- I'll  
23 withdraw it and ask it differently.

24 In fact, didn't you tell those prosecutors in that  
25 proffer meeting that Balkan was definitely there, not sure if

HC5PATI3

Zarrab - Cross

1 Atilla was there for that one; yes or no?

2 A. No, ma'am, that is not correct.

3 Q. Now, you also testified to a number of meetings with  
4 Mr. Atilla. It is true, is it not, sir, that you have met with  
5 Mr. Atilla approximately a handful of times?

6 A. That is correct, ma'am.

7 Q. And by a handful of times, you mean you've met with him  
8 approximately five times?

9 A. I counted the fingers on both hands, ma'am.

10 Q. So a handful of times to you means ten? That's a yes?

11 A. I don't recall the exact count for those, ma'am.

12 Q. Do you recall telling the prosecutors and the FBI that you  
13 had met with Mr. Atilla a handful of times; yes or no?

14 A. I have expressed to the prosecutor's office that I did not  
15 have many meetings with Mr. Hakan Atilla, and that is correct.

16 Q. Now, you've had other involvement with money exchange and  
17 money laundering schemes in other countries other than Turkey,  
18 correct? Yes or no.

19 A. It is true that I was involved in money exchange pertaining  
20 to Iranian trade that was done outside of the country of  
21 Turkey; that is correct.

22 Q. Isn't it also true that you were involved in money  
23 laundering involving Russia prior to 2010?

24 A. No, that is not correct, ma'am.

25 Q. Wasn't your chauffeur stopped at the border with \$150

HC5PATI3

Zarrab - Cross

1 million in cash in connection with your dealings in Russia in  
2 2010 -- in 2007, I believe it was, yes or no? '7.

3 A. No, ma'am; that is not correct.

4 Q. Was your chauffeur ever stopped at the border in customs  
5 with \$150 million in cash?

6 A. My driver was never stopped in Russia with \$150 million in  
7 cash ever, ma'am.

8 Q. It was at the Turkey border, wasn't it, with customs, in  
9 connection with business involvement -- let's just stop at  
10 that. Wasn't he stopped at the Turkey customs with 150 million  
11 in cash?

12 A. No, that is absolutely not correct, ma'am.

13 Q. You also were involved in business in China, correct? And  
14 in connection -- correct, yes or no?

15 A. That is absolutely correct, ma'am.

16 Q. And you also had a business partner in Iran, correct?

17 A. Yes, ma'am; that is correct.

18 Q. And his name was what, sir?

19 A. There were different ones from time to time. Which time  
20 frame are you referring to?

21 Q. Were you partners with somebody named Babak Zanjani?

22 A. There was never a time of partnership with the individual  
23 named Babak Zanjani, ma'am.

24 Q. Didn't you have business with Babak Zanjani?

25 A. In trade, just like with other Iranians. That individual

HC5PATI3

Zarrab - Cross

1 had sent money to my account too, ma'am.

2 Q. In addition to trade and sending money to your account,  
3 didn't you, in fact, keep some of his money in your accounts on  
4 his behalf?

5 A. That is absolutely not correct, ma'am.

6 Q. Didn't you purchase or be involved in a business deal with  
7 him involving a plane from Ghana that had gold, 1.5 million  
8 tons of gold that landed in Turkey? Excuse me. I think I  
9 misspoke. 1.5 tons of gold, not 1.5 million tons of gold.

10 A. It is true that Babak Zanjani had sent one-and-a-half tons  
11 of gold from Ghana to us to sell to my company in Turkey. That  
12 is correct, ma'am.

13 Q. And, in fact, sir, you had problems in Iran in relationship  
14 with that and other business deals; isn't that true?

15 THE COURT: I'm sorry, I didn't get the question.

16 Q. You have problems in Iran, you have legal problems if you  
17 go to Iran; isn't that true?

18 A. To my knowledge, there is not any, ma'am.

19 Q. Have you told the prosecutors that you have not gone back  
20 to Iran for a number of years because you've been concerned  
21 about going there?

22 A. Of course, I have always had concerns about going to Iran,  
23 but that's because of my lifestyle.

24 Q. And you have no concerns about any of your legal exposure  
25 in Iran based on your business dealings, is that what you're

HC5PATI3

Zarrab - Cross

1 telling us? Yes or no?

2 A. Under normal circumstances, there should not be any  
3 concern.

4 Q. How about now, do you have any concern, because of your  
5 legal problems, of going to Iran; yes or no?

6 A. Certainly there is.

7 Q. And how about your relationship with Babak Zanjani, do you  
8 have any concerns about going to Iran based on your  
9 relationships with him; yes or no?

10 A. My concern about going to Iran or not going to Iran has  
11 nothing to do with my relationship with Babak Zanjani, ma'am.

12 MS. FLEMING: Your Honor, I'm saying "yes or no" at  
13 the end of my questions. May I ask that the Court please  
14 instruct the witness to answer my questions.

15 Q. You testified on the first day, in response to questions,  
16 that cooperation is the fastest way to accept responsibility  
17 and to get out of jail at once. Isn't that what you said; yes  
18 or no?

19 A. Yes, I did say that that was the fastest method.

20 Q. And, indeed, since you have agreed to cooperate, your life  
21 has improved in the United States, correct? Yes or no?

22 A. I don't understand what you mean by standard of life; so I  
23 can't answer that question.

24 Q. Well, you're no longer in the MDC, are you, sir? Yes or  
25 no?



HC5PATI3

Zarrab - Cross

1 A. Correct, I am not at the MDC, ma'am.

2 Q. And the MDC is a jail that's in Brooklyn, correct?

3 A. Yes, ma'am; that's correct.

4 Q. It's very unpleasant, correct?

5 A. We should not be offensive to the MDC that much.

6 Q. You have to wear prison clothes, correct?

7 A. During certain hours, ma'am.

8 Q. You're locked up at the times they tell you you need to be  
9 locked up, correct?

10 A. Absolutely so, ma'am.

11 Q. There are a significant number of rules that make -- there  
12 are a significant number of rules, correct?

13 A. Yes, ma'am; that is correct.

14 Q. You have to eat whatever the MDC puts out in front of you,  
15 correct?

16 A. No; that is not correct, ma'am.

17 Q. You eat what they prepare in their cafeteria and put out,  
18 correct?

19 A. No; that is not correct, ma'am.

20 Q. You can't order in, can you?

21 A. No. We can cook it ourselves.

22 Q. And, in fact, you have very much wanted to be out of jail  
23 since you were arrested, correct? Yes or no.

24 A. Yes, ma'am; that is absolutely correct.

25 Q. And you have very much wanted to get out at least on bail

HC5PATI3

Zarrab - Cross

1 before you are sentenced, correct?

2 A. When I was arrested earlier on, we did make an application  
3 for being released on bail; that is correct, ma'am.

4 Q. And even after that, when you started cooperating, you and  
5 your lawyers have discussed with the prosecutors that you would  
6 like to make an application for bail; it will be discussed  
7 after trial, correct?

8 A. It is true that my lawyers will be meeting in order to  
9 discuss the bail conversation after the trial; that is correct,  
10 ma'am.

11 Q. And you've been told that while there are no promises or  
12 guarantees, that it will be discussed after this trial whether  
13 you can get out on bail, right?

14 A. It is my understanding that an application for bail could  
15 be made at any time, and there is the possibility of having a  
16 conversation of bail after the trial too, yes.

17 Q. Now, you also told us that your cooperation agreement --

18 THE COURT: Excuse me. "Us," being?

19 MS. FLEMING: All of us in the courtroom.

20 THE COURT: "You testified," right?

21 MS. FLEMING: Yes.

22 Q. When you testified --

23 A. Yes, ma'am.

24 Q. -- you told the jury that you had three main obligations  
25 under your cooperation agreement. You said you needed to speak

HC5PATI3

Zarrab - Cross

1 exactly the truth; isn't that correct?

2 A. Yes, ma'am.

3 Q. You said you needed to cooperate with the United States; is  
4 that correct?

5 A. Yes, ma'am.

6 Q. And you said you need never to commit any crime after this?

7 A. Yes, ma'am.

8 Q. That's correct? And you said, in exchange, you will get a  
9 5K letter to the Court, which will explain all of the crimes I  
10 have committed, all the help I have provided to the United  
11 States government, good and bad and everything? Did I say it  
12 accurately?

13 A. Yes, ma'am.

14 Q. But your cooperation agreement actually requires you to do  
15 more than that, doesn't it, sir?

16 A. For example?

17 MS. FLEMING: Your Honor, may I use the easel?

18 Q. Your cooperation agreement is written, isn't it?

19 A. Yes, ma'am.

20 Q. And your cooperation agreement requires that you provide  
21 "substantial assistance in the investigation or prosecution of  
22 others;" isn't that correct, sir?

23 A. I don't remember the verbatim that's mentioned in the  
24 agreement, but the fact that I would be cooperating and  
25 providing information is correct, ma'am.

HC5PATI3

Zarrab - Cross

1 MS. FLEMING: Your Honor, may I approach?

2 THE COURT: Sure.

3 Q. Mr. Zarrab, would you look at that. Read it to yourself.

4 A. Which section, ma'am?

5 Q. I'm going to direct your attention to it in one minute. On  
6 page 5, in the middle of the page, the second full paragraph  
7 down, starting in the middle, if you could look at that to  
8 yourself. There's a sentence that says: "In addition, if this  
9 office determines that the defendant has provided substantial  
10 assistance" --

11 MR. KAMARAJU: Objection, your Honor. She's reading.

12 THE COURT: Sustained.

13 Q. Would you read the sentence that starts "In addition" to  
14 yourself?

15 THE INTERPRETER: Can I just read it real quick so I  
16 can also help him? Excuse me, does it start with "In addition,  
17 if this office"?

18 MS. FLEMING: May I go point it out, your Honor?

19 THE COURT: Sure.

20 MS. FLEMING: Thank you. Got it?

21 THE INTERPRETER: Excuse me. So you highlighted the  
22 whole section.

23 THE COURT: Counsel, could you point it out to the  
24 witness and not the interpreter.

25 MS. FLEMING: I'm sorry, I thought -- right here.

HC5PATI3

Zarrab - Cross

1 A. I'm reading, ma'am. "In addition" --

2 Q. Don't read it out loud. Read it to yourself, please.

3 A. Okay.

4 (Pause)

5 If you can translate this for me so I understand what  
6 it says.

7 MS. FLEMING: Could you please do it without the  
8 microphone.

9 THE INTERPRETER: Without the microphone?

10 MS. FLEMING: Please.

11 (Pause)

12 A. Yes, ma'am, I read it.

13 Q. Does that refresh your recollection that you are required,  
14 under your plea agreement, to provide substantial assistance in  
15 an investigation or prosecution in order for the government to  
16 make a 5K1.1 motion?

17 A. Yes, it reminds me that I need to provide substantial  
18 assistance, and I also know that I need to provide substantial  
19 assistance.

20 Q. And the 5K motion can only be made by the government,  
21 correct?

22 A. Yes, ma'am.

23 Q. And a 5K motion is made by the government if they believe  
24 you have complied with all of your obligations under the  
25 agreement, including providing substantial assistance, to ask

HC5PATI3

Zarrab - Cross

1 the sentencing judge to sentence you below the sentencing  
2 guidelines; isn't that correct?

3 A. Yes; that is correct, ma'am.

4 Q. And if you do not comply with those understandings,  
5 including providing substantial assistance, it is correct, is  
6 it not, that the government is released from its obligation to  
7 make a 5K motion?

8 A. There are many obligations that I need to fulfill within my  
9 cooperation agreement with the government, and this is one of  
10 those.

11 Q. And it is the government who decides if you have fulfilled  
12 them, correct?

13 A. That is correct, ma'am, absolutely.

14 Q. And if the government decides you have not fulfilled them,  
15 they are released from their obligations, correct?

16 A. That is correct, ma'am.

17 Q. Now, from the first day that you were arrested by the FBI,  
18 you have been told by the government, meaning the FBI, that it  
19 was in your best interest to cooperate, correct?

20 A. That is correct. When I was arrested the first time at the  
21 airport, that was mentioned to me.

22 Q. And do you recall that they told you that you were facing  
23 years and years in jail?

24 A. Yes, ma'am; that's correct.

25 Q. And do you recall the FBI agent telling you, the more you

HC5PATI3

Zarrab - Cross

1 help us, the more we can help you with the amount of time you  
2 will see in prison?

3 A. I don't recall those sentences exactly, ma'am.

4 Q. I'll come back to that.

5 A. Certainly.

6 Q. And you lied to the FBI when you were arrested, correct?

7 A. Yes; that is correct, ma'am, I did lie.

8 Q. You were arrested in Miami, correct?

9 A. Yes, ma'am. I was arrested in Miami; that is correct.

10 Q. And you spent a few weeks in Miami before you were sent up  
11 to New York; is that also correct?

12 A. Yes, ma'am; that is correct as well.

13 Q. But you had your lawyers make their first proffer to the  
14 government in August of 2016; is that correct?

15 A. I don't recall the exact date of the first ever proffer  
16 regarding cooperation with the government.

17 Q. Was it a few months after you were arrested?

18 A. No, ma'am.

19 Q. It was before Mr. Atilla had been arrested; isn't that  
20 true?

21 A. What are you referring to? I don't understand the question  
22 very well.

23 Q. When your attorneys went in and your attorneys made their  
24 first proffer, do you recall that?

25 A. The time that my lawyers went in and discussed the details

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Zarrab - Cross

1 about cooperation with the government was before Mr. Atilla was  
2 arrested; that is correct, ma'am. But I did not enter into a  
3 cooperation at that time.

4 Q. And the way it works is that an attorney goes in and tells  
5 the government what information you have about criminal  
6 activity, correct?

7 MR. KAMARAJU: Objection.

8 THE COURT: I'll allow it. I'm not sure it's so easy  
9 to understand that question.

10 MS. FLEMING: Judge, I'm doing my best.

11 THE COURT: No, no, I know. Maybe you could rephrase  
12 that.

13 BY MS. FLEMING:

14 Q. With the first meeting, your attorneys met with the  
15 government and you were not present, correct?

16 A. Yes, ma'am.

17 Q. And do you understand that to be an attorney proffer?

18 A. No, ma'am.

19 Q. Do you understand that the attorneys discussed with the  
20 government what information you might have, to see whether a  
21 cooperation agreement will be of interest to the government?

22 A. Yes, ma'am.

23 Q. And it's fair to say that your attorneys never mentioned  
24 the name of Mr. Atilla when they went and met before he was  
25 arrested, fair?



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Zarrab - Cross

1 A. During their first meeting, they did not talk about any  
2 names, ma'am.

3 Q. The process that goes forward, you waited -- it took a year  
4 between that first meeting and your second meeting, your second  
5 attorney proffer to continue discussions with the government  
6 about cooperating; is that fair to say?

7 A. No, that would not be fair, ma'am.

8 Q. How long was it between your first proffer session and the  
9 second; do you remember?

10 A. I never attended a proffer session with the prosecutors a  
11 year ago, ma'am.

12 Q. All right. Let me rephrase my question.

13 A. Please.

14 Q. The first time you attended a proffer session with the  
15 government was in August of 2017; is that correct?

16 A. Yes, ma'am; that is correct.

17 Q. And your lawyers had met with the government approximately  
18 a year before that for the first time to discuss it, but it had  
19 not gone through; is that fair?

20 A. That they -- it was approximately a year when they had  
21 first had that meeting, yes; that would be fair, ma'am.

22 Q. Now, in between, in that year, you had attorneys in Turkey  
23 and in the United States who were trying to secure your release  
24 through political means; isn't that true?

25 A. Within the bounds of law, they did make efforts, and that

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Zarrab - Cross

1 is correct, ma'am.

2 Q. And, in fact, you hired Rudy Giuliani and former Attorney  
3 General Michael Mukasey as your attorneys in the United States  
4 to try to work out a solution for you in Turkey, correct?

5 A. That is correct, ma'am.

6 Q. And you believed that this was going to work for a year,  
7 correct?

8 A. I thought that it may become possible, ma'am.

9 Q. And, in fact, you are furious with people in Turkey that it  
10 did not work; isn't that true?

11 A. I don't have any anger towards anybody, ma'am.

12 Q. A proffer process -- I'd like to focus you on after you  
13 agreed to cooperate with the government, what that process  
14 looks like, okay?

15 A. Go ahead, ma'am.

16 Q. So in August of 2017, your American attorneys went in again  
17 and made a second attorney proffer to the United States  
18 government and started the process for you to cooperate again,  
19 correct?

20 A. That is not correct, ma'am.

21 Q. Didn't your attorneys meet with the U.S. Attorneys on  
22 August 17th, 2017, to start the process again for you?

23 A. They did that, ma'am.

24 Q. And then you went in and met with the prosecutors and FBI  
25 and did something called a proffer; is that correct?

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Zarrab - Cross

1 A. That is correct, ma'am.

2 Q. Now, a proffer means that they interview you and you tell  
3 them what you know, and then the government tells you --

4 THE COURT: Do you want him to answer it?

5 MS. FLEMING: I'm trying to finish the question,  
6 Judge.

7 THE COURT: Oh.

8 Q. -- and in order for the government to tell you whether they  
9 are willing to enter into a cooperation agreement with you?

10 A. That is correct, ma'am.

11 Q. And, in fact, you signed something called a proffer  
12 agreement. Do you remember doing that?

13 A. I remember, ma'am; that's correct.

14 Q. And the government agrees it won't use directly against you  
15 what you tell them in the proffer agreement?

16 A. During that first meeting, that proffer agreement was  
17 presented to me and was read to me and was also interpreted  
18 into Turkish for me, but I don't recall all the paragraphs and  
19 all the conditions set therein; so I don't want to misinform or  
20 provide a wrong answer because I don't recall all those things.

21 Q. Do you remember how many sessions you had with the members  
22 offer the U.S. Attorney's Office and the FBI before they agreed  
23 that they would have a cooperation agreement with you?

24 A. I don't recall the exact count of meetings, ma'am.

25 Q. Does the number 12 meetings sound correct?

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Zarrab - Cross

1 A. Sounds fair, ma'am.

2 Q. And they were long sessions, weren't they?

3 A. Yes, ma'am; they were long sessions.

4 Q. And then after -- I'll go through in more detail, but after  
5 they -- after those 12 sessions, the government said, yes,  
6 we'll enter into the cooperation agreement with you, right?

7 A. Despite the fact that I don't recall the exact count of  
8 those meetings, it is true that after so many meetings, they  
9 did say that they were willing to enter into cooperation  
10 agreements and sign it; that is correct, ma'am.

11 Q. And the cooperation agreement is what we talked about  
12 before, where you have obligations and the government has  
13 obligations under that, for you to plead guilty, correct?

14 A. That is correct, ma'am.

15 Q. Now, after you entered into the cooperation agreement, you  
16 pleaded guilty to a number of crimes, correct?

17 A. That is correct, ma'am.

18 Q. And you pleaded guilty to seven crimes; is that correct?

19 A. That is correct, ma'am.

20 Q. And you did that on October 25th, this year, right?

21 A. I don't recall the exact date, ma'am.

22 Q. Approximately, does that sound right?

23 A. I think it would be fair if we would say it was during that  
24 time frame somewhere.

25 Q. And since the day that you pleaded guilty, you have been

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Zarrab - Cross

1 with the U.S. Attorney's Office or the FBI almost every day; is  
2 that fair to say?

3 A. That would be fair to say, ma'am.

4 Q. Did you have meetings with them over this past weekend?

5 I'm not talking about just being in the custody of the FBI this  
6 past weekend.

7 THE COURT: Wait, wait. What's the question?

8 MS. FLEMING: I'm about to ask the question of  
9 meetings. I'm giving the instruction.

10 Q. I'm not talking about just being in the custody of the FBI,  
11 but did you have meetings with members of the United States  
12 Attorney's Office even over this past weekend?

13 A. That is correct that I had meetings, ma'am.

14 Q. And would it be fair to say that, in total, since August of  
15 2017, you have had more than 35 sessions with the United States  
16 Attorney's Office discussing the facts of this case?

17 A. I don't recall the number, ma'am.

18 Q. It has been many days; is that fair to say?

19 A. That would be fair, absolutely, ma'am.

20 Q. And it's been many hours; is that fair to say?

21 A. That would be fair to say, as well, ma'am.

22 MS. FLEMING: Your Honor, what time do you want to  
23 break? I am about to go into a new area.

24 THE COURT: We can break now. So let's take our lunch  
25 break and pick up again at 2:00, how's that?

HC5PATI3

Zarrab - Cross

1 (Jury not present)

2 THE COURT: They want to know if you want the  
3 exhibits.

4 MS. FLEMING: I know. I'm going to leave them up  
5 there. It's Jencks material; it's not an exhibit.

6 THE COURT: You might want to.

7 MS. FLEMING: I'm happy to take it back now. I just  
8 didn't want to keep going back and forth.

9 THE COURT: Okay.

10 MS. FLEMING: Your Honor, may I come get it?

11 THE COURT: Yes, sure. Okay. We'll see you at 2:00.

12 (Luncheon recess)

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HC53ATI4

Zarrab - Cross

## AFTERNOON SESSION

2:00 p.m.

(In open court; jury present)

THE DEPUTY CLERK: Sir, before we begin, I'd like to remind you, you're still under oath.

THE WITNESS: Yes, ma'am.

THE COURT: Ms. Fleming.

MS. FLEMING: Thank you, your Honor. May I continue?

THE COURT: Yes.

BY MS. FLEMING:

Q. Mr. Zarrab, when we broke we were talking about your proffer and the timeline.

During the process of meeting with the prosecutors, you actually did work on the various transcripts that we've had here in court; isn't that correct?

A. Which meetings are you referring to?

Q. When you met with the prosecutors in preparation for trial, you listened to recordings and made corrections to the transcripts; is that correct?

A. Yes, ma'am. In the transcripts that were in Turkish, I did try to make corrections where there were things either missing or were not understood. I tried to make corrections on those.

Q. And you also did the same thing for the Turkish and English interpretation on the chats, on the various chats that were Turkish and English; is that correct?

HC53ATI4

Zarrab - Cross

1 A. That is not correct, ma'am.

2 Q. You didn't make any corrections on Mr. Aslan's chats, on  
3 the translations?

4 A. It's regards to the English sections of the chats with  
5 Mr. Aslan, I had nothing to do with that, and I did not make  
6 any corrections.

7 Q. You did go through on Mr. Aslan's chats and make notations  
8 as to which chats were important, didn't you?

9 A. With regards to the chats with Mr. Suleyman Aslan on  
10 WhatsApp, I did go through those, and I did mark them as  
11 sections and I did try to make relevant -- put the relevant  
12 sections together, where possible, ma'am.

13 Q. And you highlighted those that were important by putting  
14 stars next to them, correct?

15 A. Those that were very important for me, I did put a star  
16 next to them, and I did say that they were very important for  
17 me.

18 Q. You actually wrote the word "important" in English next to  
19 some of them, correct?

20 A. Yes, there are sections where I did write down "important,"  
21 ma'am.

22 Q. In addition in these sections when you were getting ready  
23 for trial in this matter, you also drew a number of charts for  
24 the members of the FBI and the prosecution team, correct?

25 A. Can I get the question one more time, please?



HC53ATI4

Zarrab - Cross

1 Q. During this trial preparation period, you prepared charts,  
2 you drew charts for members of the prosecution team, correct?

3 A. Yes, ma'am, just like the diagrams that I had drawn here, I  
4 had drawn some diagrams, charts, for the prosecution also.

5 Q. And you prepared Excel spreadsheets for members of the  
6 prosecution team, correct?

7 THE INTERPRETER: I'm being asked to repeat it again.

8 A. No, that is not correct. What I did was I prepared that  
9 Excel file for my own use, and later I presented that Excel  
10 file to prosecution so that it could be used as evidence as  
11 needed in the trial.

12 Because among my obligations is the presenting of all  
13 my work, things I might work on, to the prosecution.

14 Q. And that is in connection with your providing substantial  
15 assistance in the investigation and prosecution of others,  
16 correct?

17 A. In terms of assistance, the most important thing is to tell  
18 the truth, ma'am.

19 Q. In addition, during your proffer sessions, before you were  
20 preparing for trial, before you pled guilty, you discussed with  
21 the government ways that you could trap people to bring them to  
22 the United States so they could be arrested or to other places  
23 in the world -- let me withdraw it.

24 You discussed with the government ways to trap people  
25 so that they could be arrested and brought to the United

HC53ATI4

Zarrab - Cross

1 States; is that correct?

2 A. We did not converse about anybody specific to be trapped.

3 However, as a result of my cooperation, had there been a  
4 request from the prosecutor's office, had there been such a  
5 request, then I would be obligated to fulfill that, ma'am.

6 Q. Do you recall telling the prosecutors that you believed you  
7 could get Rajaeieh to Germany?

8 A. I did tell the prosecutor's office that Mr. Rajaeieh  
9 travels to Germany frequently, and that there might be a  
10 possibility for Rajaeieh to travel to Germany, ma'am.

11 Q. And yes or no: Did you tell them that you owe him 15 to 20  
12 million dollars, and that could be used as a way to trap him?

13 A. I did not say 15 to 20. I did say that there was an  
14 approximately \$14 million debt. And I did say that, that's  
15 correct, ma'am.

16 Q. And there are other people who you told the government  
17 about where their passports were, where they traveled, in order  
18 to tell them where they might be able to find them, correct?

19 THE INTERPRETER: Could you repeat that question,  
20 please.

21 Q. You told the government about other people's travel habits  
22 throughout Europe, correct?

23 A. Within the scope of all the questions that were asked to  
24 me, I did provide all the truthful answers that I had for those  
25 to the prosecutor's office, ma'am.

HC53ATI4

Zarrab - Cross

1 Q. When you were arrested in Miami, you had arrived in Miami  
2 in a private jet, correct?

3 A. No, ma'am, that is not correct.

4 Q. You were carrying approximately \$103,000 in currency; is  
5 that correct?

6 A. I was carrying \$102,000, ma'am.

7 Q. And that was for your trip to Disney World; is that  
8 correct?

9 A. This was the money that would be needed for our trip that  
10 was for 10 days, for seven individuals, in the United States  
11 for this trip.

12 MS. FLEMING: Your Honor, may I approach the easel?

13 Q. Mr. Zarrab, I would like to talk about what your agreement  
14 provided that you would plead guilty to. Now, you had a plea  
15 agreement that obligated you to plead guilty to certain crimes,  
16 correct?

17 A. Yes, ma'am, that's correct.

18 Q. You have in fact pleaded guilty to those crimes, correct?

19 A. For seven charges, that's correct, ma'am. I did plead  
20 guilty to those seven charges.

21 Q. Could you identify them for me, please.

22 A. Certainly. One, conspiracy to defraud United States. Two,  
23 conspiracy to violate IEEPA sanctions charge.

24 It's possible that I may miss some legal terms in  
25 there, but madam would know.

HC53ATI4

Zarrab - Cross

1 (In English) Money laundering, conspiracy for money  
2 laundering, bank fraud.

3 Q. What else?

4 A. (In English) Conspiracy for bank fraud.

5 Q. What else?

6 A. (In English) Bribing federal prison guard.

7 Q. Corrections officer; is that fair to say? Federal guard?

8 A. The guard, the warden at the jail. I don't know what you  
9 would want to use in English for that.

10 Q. And do you know how many years in jail you are facing as a  
11 maximum sentence for all of these crimes?

12 MR. KAMARAJU: Objection, your Honor.

13 THE COURT: Sustained.

14 MS. FLEMING: Judge, may I be heard?

15 THE COURT: No.

16 Q. As a result of agreeing to plead guilty to these crimes,  
17 you were also told that you would not be charged with other  
18 crimes, correct?

19 A. I don't know about the legal terms that may be used in  
20 there. Those are what my lawyers would handle. But as far as  
21 what the --

22 THE INTERPRETER: I'm going to have to ask him to  
23 repeat again.

24 A. So just the section that I am aware of, and the part that  
25 my lawyers advised me of, it's stated that if I were to commit

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Zarrab - Cross

1 a crime again, that could be investigated, I could be  
2 prosecuted, and I could be charged with that again. One of  
3 these, for example, is if I were to lie, I could be charged  
4 with a new charge.

5 Q. Do you recall that your plea agreement says if you live up  
6 to your plea agreement, that there are other crimes that you  
7 have already committed that you will not be charged for?

8 A. There are crimes that are outside the jurisdiction of the  
9 United States, so there are those crimes where United States  
10 does not have jurisdiction over them anyway. And I don't know  
11 if the madam is referring to any other crimes other than those.

12 Q. Do you recall whether your plea agreement provides that you  
13 will not be charged with making material misstatements to FBI  
14 agents after you were arrested in your post-arrest interview?

15 A. It is correct that there would be no new prosecution on  
16 that crime. But, what I understand is that during sentencing,  
17 the misrepresentations made to the FBI would also be taken into  
18 consideration in terms of what sentence I might receive.

19 Q. Do you also understand that, pursuant to your plea  
20 agreement, you will not be prosecuted for making material  
21 misrepresentations during an interview with the pretrial  
22 services officer in Florida after you were arrested; yes or no?

23 A. Just the same with the previous, this would also be one  
24 where there would not be a new investigation regarding this  
25 charge, but that in my sentencing, the Court would consider

HC53ATI4

Zarrab - Cross

1 this in sentencing me, and this would be one of the factors  
2 that would be considered for sentencing.

3 Q. So the answer to my question as to whether you will be  
4 charged is "no."

5 THE COURT: What was your question?

6 MS. FLEMING: Whether he would be charged with a new  
7 crime, yes or no.

8 THE COURT: I don't know if that was exactly. Let's  
9 have a readback of the question.

10 (The record was read)

11 MS. FLEMING: I stand corrected, your Honor.

12 Q. Do you also understand --

13 THE COURT: Do you want him to answer or no?

14 Q. Please. Can you answer that yes or no?

15 A. Yes, there would be no new investigation opened with  
16 regards to this.

17 Q. Do you understand if you live up to your plea agreement,  
18 you will not be charged with smoking synthetic marijuana on one  
19 occasion in the MCC in 2016, to the extent that you have  
20 disclosed such participation to the office, as of the date of  
21 your plea agreement; yes or no?

22 A. I don't know whether this is a crime or not in law. It may  
23 be a regulation within the jail. And my answer then is no,  
24 there would be no investigation open with regards to this. In  
25 other words, even without this agreement.

HC53ATI4

Zarrab - Cross

1 Q. Putting aside that last one that you don't know if it is a  
2 crime or not, you understand that the other crimes that you  
3 will not be prosecuted on are serious offenses.

4 A. I am aware that they're serious offenses, but the crimes  
5 that I have pleaded guilty to are much more serious offenses.

6 Q. These crimes that you're not being prosecuted for happened  
7 in 2016 in the United States, correct?

8 A. That is correct, ma'am.

9 Q. These crimes that you're not being prosecuted for all  
10 happened after you were arrested, correct?

11 A. That is correct, ma'am.

12 Q. And what you referenced earlier about there are other  
13 crimes that the United States does not have jurisdiction that  
14 you are not being prosecuted for, are other crimes that you've  
15 told the U.S. attorney's office about that you've committed in  
16 other countries, correct?

17 A. If you're referring to the bribes that I had paid in Turkey  
18 that I mentioned in the court also, then that is a yes.

19 Q. It's more than bribes to officials in Turkey, isn't it,  
20 Mr. Zarrab? Under your plea agreement, you are also not  
21 going -- the office has said it's not -- has no jurisdiction  
22 over paying bribes to corporate representatives in or between  
23 2002 and March of 2016; isn't that correct?

24 THE INTERPRETER: Could you repeat what  
25 representatives again, please?

HC53ATI4

Zarrab - Cross

1 MS. FLEMING: Corporate. Corporate bribery.

2 A. I did not bribe my own company employees. That may be a  
3 translation issue.

4 Q. Your plea agreement reflects that there is no prosecution  
5 because of no jurisdiction for procuring prostitutes for others  
6 in or about 2013; is that correct?

7 A. Yes, ma'am, that is correct.

8 Q. It also says that you will not be prosecuted because of no  
9 jurisdiction for understating your income on your Turkish tax  
10 returns, your filings, between 2002 and March of 2016. Isn't  
11 that correct?

12 A. Because it is not within the jurisdiction, it is also true  
13 that there will be no prosecution on that one as well, ma'am.

14 Q. But in fact you did understate your Turkish filings for  
15 2002 through 2016, correct?

16 A. That is absolutely correct, ma'am.

17 Q. You also are not being prosecuted because of no  
18 jurisdiction for assaulting another individual in the Republic  
19 of Turkey in or about 2014; is that correct?

20 A. I was prosecuted for that in Turkey already, ma'am.

21 MR. KAMARAJU: Your Honor, if defense counsel intends  
22 to go through other provisions of the cooperation agreement, it  
23 makes sense to offer it so the jury can follow along.

24 MS. FLEMING: Your Honor, they're welcome to do their  
25 examination any way they want.



HC53ATI4

Zarrab - Cross

1 THE COURT: Can you all come up for a short sidebar.

2 (At the sidebar)

3 THE COURT: It is my practice always to give defense  
4 counsel latitude in asking questions, but I have to say I  
5 really don't know where this is all leading and what is the  
6 significance of, for example, here is a concrete example which  
7 I couldn't understand at all. So, he's charged with and pled  
8 to seven counts, and you asked him to remember, and you are  
9 drawing on the chalkboard the seven counts or however many he  
10 gives you.

11 What's the point of that? Why couldn't you just ask  
12 him, since you like to have yes or no answers, did you plead to  
13 defrauding banks, yes or no? Did you plead to conspiracy to  
14 defraud banks, yes or no?

15 This is really going nowhere.

16 MS. FLEMING: Well, with respect, your Honor, I don't  
17 agree, and, frankly, I've never had a Court preclude me finding  
18 out how much time someone was facing before, ever.

19 THE COURT: You didn't know how to ask the question.  
20 There is a very simple way to ask that question and you weren't  
21 even in the universe of how to ask that question. So think  
22 about that. Talk to Mr. Rocco. Or maybe even the prosecutors  
23 could give you a hand on that.

24 Really. I'd like to get to this case pretty soon.

25 (Continued on next page)

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Zarrab - Cross

1 (In open court)

2 MS. FLEMING: Your Honor, we agree we'll put the plea  
3 agreement into evidence.

4 THE COURT: Great.

5 MS. FLEMING: Let's move it. Let's mark it as  
6 Defendant's Exhibit 12. We already premarked some exhibits.  
7 We'll substitute a clean one. I had marked this to show the  
8 witness.

9 THE COURT: Sure.

10 (Defendant's Exhibit 12 received in evidence)

11 Q. You discussed that you had pled guilty to bribing a guard  
12 while you were in prison here in the United States, correct?  
13 And you -- why don't you describe for us what you did.

14 THE COURT: I don't know if that's the way to ask the  
15 question. Do you want to ask him what did he do that caused  
16 him to plead guilty to that charge? Is that the question you  
17 want to ask?

18 MS. FLEMING: Sure, Judge.

19 Q. What did you do that caused you to plead guilty to that  
20 charge?

21 A. I bribed a guard in the jailhouse where I was being held,  
22 ma'am.

23 Q. How much did you pay the guard?

24 A. Approximately \$45,000, ma'am.

25 Q. How did you get \$45,000 to this guard?

HC53ATI4

Zarrab - Cross

1 A. Along with my other expenses, as money was being sent from  
2 Turkey, this amount was sent and it was paid.

3 Q. Who paid it to him?

4 A. The madam attorney that I had during that time who was  
5 present here at that time.

6 Q. A Turkish attorney, correct?

7 A. Yes, ma'am, a Turkish attorney.

8 Q. In exchange for that \$45,000, this guard brought you  
9 alcohol; is that correct?

10 A. Not only alcohol, ma'am.

11 Q. What else did he bring you?

12 A. A few times I used the personal cell phone of this guard as  
13 well, ma'am.

14 Q. Did he also give you medication?

15 A. Yes, ma'am. A few times when I had a cold, he brought  
16 Dayquil and I took Dayquil.

17 Q. Other than getting it in the commissary, you're not allowed  
18 to do that in the MCC without going to the commissary, correct?

19 A. It is true that Dayquil is not sold at the jail commissary,  
20 ma'am.

21 Q. And by using a cell phone that the guard provided you, you  
22 were not on the prison system where the phone calls are  
23 recorded; isn't that correct?

24 A. That is absolutely correct, ma'am. That phone would not be  
25 recorded.

HC53ATI4

Zarrab - Cross

1 Q. Who did you use that phone to call, the cell phone?

2 A. My wife, also to talk with my daughter with video, and with  
3 one of my lawyers and one time with my uncle, based on my  
4 recollection. I also recall that I had talked to my sister,  
5 based on my recollection.

6 Q. Anyone else?

7 A. These are the ones that I remember, ma'am.

8 Q. And again, to be clear, the attorney you spoke with is an  
9 attorney in Turkey, not in the United States, correct?

10 A. Yes, ma'am, that is absolutely correct.

11 Q. Now, did you violate other rules while you were in the MCC  
12 or the MDC?

13 A. I did at MCC, ma'am.

14 Q. Did you pay other inmates so that you could use their  
15 telephone time?

16 A. It is true that when my 300 minutes were up, I did pay  
17 other inmates to be able to use their minutes, ma'am.

18 Q. Did you also pay people to sit at a computer so that if you  
19 wanted to use the e-mails, you wouldn't have to wait in a line?

20 A. That is not correct, ma'am.

21 Q. Back in 2015, you and Suleyman Aslan had a conversation on  
22 chat concerning why you had not been put on the OFAC list; do  
23 you recall that?

24 A. I remember that, ma'am.

25 Q. As you sit here today, are you on the OFAC list yet?

HC53ATI4

Zarrab - Cross

1 A. As of now, I don't know, ma'am.

2 Q. Has anyone ever told you, you are on the OFAC list?

3 MR. KAMARAJU: Objection.

4 THE COURT: Overruled.

5 A. There hasn't been anybody who told me I was on OFAC list up  
6 until this point, ma'am.

7 Q. And do you recall what your conversation with Mr. Aslan was  
8 about why you weren't on the OFAC list in 2015?

9 A. I remember it partially, ma'am.

10 Q. Do you remember saying you weren't on it because you hadn't  
11 violated any sanctions?

12 A. This is a long message, ma'am, and what I'm telling  
13 Mr. Suleyman Aslan is that with these money transfers, there  
14 was no payment with regards to weapons or anything nuclear, and  
15 that's why I was not put on the OFAC list.

16 Q. Didn't you say because we didn't violate any embargo?

17 A. If you were to cut the beginning and the latter part of the  
18 conversation and you look at that one sentence only, that would  
19 be correct, ma'am.

20 Q. Part of your plea agreement is that you've agreed to  
21 forfeit whatever it is that you personally derived from this,  
22 these schemes and the crimes to which you pled guilty; isn't  
23 that correct?

24 A. That is correct, ma'am.

25 Q. How much money did you make from all of these crimes?

HC53ATI4

Zarrab - Cross

1 A. I don't recall how much exactly, ma'am.

2 (Continued on next page)

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HC5PATI5

Zarrab - Cross

1 Q. How about generally, do you recall how much money generally  
2 you made between 2010 and 2016 from all of these schemes that  
3 you've told us about for the last four days?

4 A. I don't remember exactly, but it could be \$100 million,  
5 maybe more than that, maybe \$150 million.

6 Q. How did you make money on these transactions?

7 A. I made money along with everybody else.

8 Q. How did you make the money on these transactions?

9 A. Through the payment orders that I had received from the  
10 Iranians, by fulfilling these orders for the Iranians, by using  
11 the proceeds that Iran had deposited in Halkbank for its oil  
12 sales to Turkey.

13 Q. And did you get a commission cut?

14 A. In my previous answer I had already mentioned that I had  
15 received a commission on these. It might have been a  
16 translation error. Let's just make sure that's corrected.

17 Yes, ma'am, I did receive commission.

18 Q. And what percentage commission did you receive?

19 A. Ma'am, are you asking what the total is, or are you asking  
20 what was left for me?

21 Q. What was left for you? What was your commission that you  
22 made on these deals?

23 A. After paying the commission for the bank, and after paying  
24 the other bribes, and after deducting all of the expenses, it's  
25 approximately 0.4 or 4 per thousand to 5 per thousand, ma'am.

HC5PATI5

Zarrab - Cross

1 Q. Now, banks take commissions on legitimate transactions,  
2 don't they, Mr. Zarrab?

3 A. Banks get their cut from transactions that are executed,  
4 ma'am.

5 Q. And -- withdrawn.

6 You told us during your direct examination that prior  
7 to going to Halkbank, you had been involved with a number of  
8 other banks in various schemes, correct?

9 A. Do you mean the Aktif Bank, ma'am?

10 Q. That's one of them, right?

11 A. Yes, ma'am. In early 2010, I did work with Aktif Bank.

12 Q. And is there a bank called Agajooni? I'm sorry for the  
13 pronunciation. A-g-a-j-o-o-n-i.

14 A. I'll make the correction on that one. It's Agajooni,  
15 ma'am, and it's an exchange office in Iran with which I was  
16 working. It's actually an individual, a partner individual  
17 that I was working with in Iran. It is not a bank, ma'am.

18 Q. Thank you. Did you also work with Bank Mellat and its  
19 exchange?

20 A. It is true that I worked with Mellat Exchange, which is  
21 affiliated with Bank Mellat, ma'am.

22 Q. And that was before you had approached Halkbank, correct?

23 A. That is correct, ma'am.

24 Q. And you also approached the Central Bank of Iran; is that  
25 correct?



HC5PATI5

Zarrab - Cross

1 A. That's correct, ma'am.

2 Q. And you did that through your father?

3 A. Yes, ma'am.

4 Q. And you worked with them before you worked with Halkbank?

5 A. I worked with them before I was working with Halkbank,  
6 that's correct, ma'am.

7 Q. Now, your father has an exchange -- and again forgive me  
8 for the pronunciation -- Al Nafees Exchange? Did I say it  
9 correctly?

10 A. You pronounced it perfectly well, ma'am.

11 Q. That's one. And you worked with Al Nafees Exchange,  
12 correct?

13 A. That is correct, ma'am.

14 Q. That's a money exchange business in Dubai?

15 A. It's an exchange office that was in Dubai in that time  
16 period, that is correct, ma'am.

17 Q. And what years did you work with Al Nafees?

18 A. To the best of my recollection, it was between when I was  
19 16 and 17, ma'am.

20 Q. And did you have business with the Al Nafees Exchange after  
21 you started working?

22 A. I could not perceive what time period you are referring to;  
23 so if you can please rephrase with a more specific range.

24 Q. Let me withdraw. During the time frame between 2010 and  
25 2015, who owned Al Nafees?

HC5PATI5

Zarrab - Cross

1 A. It was my father, ma'am.

2 Q. Did you have any ownership interest in Al Nafees during  
3 that time period?

4 A. I never had any partnership or any shares held with  
5 Al Nafees at any given time, ma'am.

6 Q. Were you aware of the business of Al Nafees during that  
7 time frame that you were also working in money exchange, 2010  
8 to 2015?

9 THE INTERPRETER: Could you repeat that question,  
10 please.

11 Q. Were you aware of your father's business, Al Nafees, during  
12 that time frame, 2010 to 2015?

13 A. It would not be fair to say that I knew everything, but, of  
14 course, I was aware of what was going on.

15 Q. Were you aware that your father was accused of violating  
16 U.S. sanctions?

17 A. Yes, ma'am. I had heard about it.

18 Q. And that was in August of 2014?

19 A. No, ma'am, that was much before that.

20 Q. You're aware that he paid a penalty in August of 2014; is  
21 that fair?

22 A. That would not be fair, ma'am, because my dad did not pay a  
23 fine.

24 Q. Do you know what stripping is in connection with money  
25 exchange transfers?

HC5PATI5

Zarrab - Cross

1 A. I don't know, ma'am.

2 MS. FLEMING: Your Honor, we want to play some  
3 recordings to authenticate them, just the voice recordings.  
4 They're in Turkish. We will have to connect them up with an  
5 interpreter later. May we do that now?

6 THE COURT: I'm not sure I understand.

7 MS. FLEMING: We have some recordings that we want to  
8 use. We are going to have to -- we have sent transcripts, but  
9 we just need to play them and have them identify voices with  
10 the witness.

11 THE COURT: The recordings of Mr. Zarrab?

12 MS. FLEMING: Yes. We just need him to identify the  
13 voices. They're in Turkish. If you want to give the --

14 THE COURT: There's not going to be any translation.

15 MS. FLEMING: There won't be any questioning about it  
16 except who's on it.

17 THE COURT: Is there going to be a translation?

18 MS. FLEMING: Yes, down the road, when our interpreter  
19 is on.

20 THE COURT: Oh, not today?

21 MS. FLEMING: No. It's not our case. Our interpreter  
22 will be on during our case.

23 THE COURT: I'm not sure I understand. You're going  
24 to ask him questions in English?

25 MS. FLEMING: Judge, I'm going to have him

HC5PATI5

Zarrab - Cross

1 authenticate the recordings.

2 THE COURT: I know, but how are you going to do that?  
3 Are you going to ask him --

4 MS. FLEMING: I was going to ask him if he recognizes  
5 the voices and identify the speakers, and then we'll deal with  
6 it later.

7 THE COURT: Sure.

8 MS. FLEMING: Okay.

9 (Pause)

10 Thank you. Judge, I'll do this after the break.  
11 We'll work it out with them after the break.

12 THE COURT: Okay.

13 MS. FLEMING: I'll go on to something else.

14 BY MS. FLEMING:

15 Q. Mr. Zarrab, you've described for us earlier about some of  
16 the documents that your office had created that were false; do  
17 you remember that?

18 A. Documents?

19 Q. You've identified for us some exhibits this morning that  
20 you said were not real documents, they reflected fake  
21 transactions?

22 A. The ones that I had said that they were false?

23 Q. Yes.

24 A. Yes, ma'am.

25 Q. And, in fact, you had entire portions of your offices that

HC5PATI5

Zarrab - Cross

1 were devoted to getting these false documents; isn't that fair  
2 to say?

3 A. Not necessarily departments, but a few people.

4 Q. And so, for example, one of the false documents, one kind  
5 of false document that you had in your business was you had an  
6 actual stamped customs document that you would present to the  
7 banks, correct?

8 A. That is absolutely correct, ma'am.

9 Q. And I want to focus. Let's break it down into the two  
10 kinds of transactions. All right? I want to break this down  
11 to the gold transactions.

12 A. Go ahead, ma'am.

13 THE INTERPRETER: For translation, sorry.

14 Q. One of the things you told us is that there really was  
15 gold?

16 A. Most of the time, yes, ma'am.

17 Q. In the China recordings that we heard this morning, there  
18 was no gold, right?

19 A. With regards to gold trade, the same system was also  
20 attempted in China but refused by the bank in China. So the  
21 answer for madam's question would be, no, and that we had made  
22 attempts to run gold trade and the same system in China as  
23 well.

24 Q. The gold trade that was done with Halkbank was, in fact,  
25 you really had gold; there was actual gold bars, correct?

HC5PATI5

Zarrab - Cross

1 A. Yes, ma'am.

2 Q. And that started, you identified for us, somewhere around  
3 October of 2012, and I believe you told us the last payments  
4 were made sometime at the end of May 2013 or mid-June 2013; is  
5 that right?

6 A. No, that is not correct, ma'am.

7 Q. You described for us that Mr. Atilla was the head of  
8 international banking. That's what you thought his title was,  
9 correct?

10 A. Mr. Hakan Atilla is at the head of the international  
11 department at Halkbank; that is correct, ma'am.

12 Q. And you repeatedly called him the deputy general manager,  
13 correct?

14 A. Yes, the deputy general manager, the head person in the  
15 international department, ma'am.

16 Q. You're aware, are you not, that Halkbank, at the time, had  
17 seven or eight deputy general managers, depending on what month  
18 it was during that 2002 to 2015 time frame, correct?

19 A. No, ma'am, I didn't. I do not know.

20 Q. Now, you've talked about dealing with the staff several  
21 times during your testimony, at Halkbank.

22 A. Yes, it is true that I mentioned that I had spoken with  
23 various staff members at this bank.

24 Q. And you also talked about you spoke with people at the  
25 branch, correct?

HC5PATI5

Zarrab - Cross

1 A. No, ma'am. What I testified to was that with the branch,  
2 very minimal level. It would be my personnel and my company  
3 that would be speaking to branch staff members.

4 Q. And what branch did your businesses bank with at Halkbank?

5 A. It's the corporate branch in Ikitelli, ma'am.

6 Q. And do you know approximately how many branches there are  
7 of Halkbank in Turkey?

8 A. I don't know the number, ma'am.

9 Q. Now, you would leave the dealing with the people at the  
10 branch up to your staff people, correct?

11 A. With regards to our branch? Yes, ma'am.

12 Q. But you were aware that at Halkbank headquarters, there was  
13 a staff that dealt with foreign operations and sanctions,  
14 correct?

15 A. That is not correct, ma'am. I was not aware.

16 Q. Did you ever deal with somebody named Binnur, B-i-n-n-u-r?  
17 Do you remember speaking with Binnur at Halkbank?

18 A. The name Binnur sounds familiar, but I cannot recall any  
19 conversation that I may have had with Miss Binnur at the time,  
20 ma'am.

21 Q. Do you remember speaking -- forgive me with the  
22 pronunciation. Do you remember speaking with anyone named  
23 Seydit, S-e-y-d-i-t, at Halkbank?

24 A. You may be referring to Mr. Seydit Ahmet; is that correct,  
25 ma'am?

HC5PATI5

Zarrab - Cross

1 Q. Yes.

2 A. Yes, that is absolutely correct, ma'am, with Mr. Seydit  
3 Ahmet, I had conversation during 2014 and 2015, after my arrest  
4 and mostly during the year 2015.

5 Q. I want to show you what's been marked as Defendant's  
6 Exhibit 102. Do you recognize Defendant's Exhibit 102?

7 A. So I see that it's a business card.

8 Q. Do you recognize it?

9 A. So I see it as a business card. If I may get the question  
10 a little more specific? I don't understand what you're asking  
11 exactly.

12 Q. Have you ever had the business card of Hakkan Aydogan?

13 A. I may have received it. I don't recall, ma'am.

14 Q. Do you know what his title is at Halkbank?

15 A. After my arrest and in 2014, when I went to Halkbank to  
16 meet with Mr. Ali Fuat initially, I met with Mr. Hakkan  
17 Aydogan.

18 Q. My question is, do you know what his title is?

19 A. I know that he was working with foreign transactions.  
20 That's all, ma'am.

21 Q. Have you ever heard of the department foreign operations?

22 A. Yes, I'm familiar with that phrase from the bank, the  
23 operations section. I recall that from the bank.

24 Q. And do you know whether Hakkan Aydogan was the head of  
25 foreign operations during the -- withdrawn.



HC5PATI5

Zarrab - Cross

1 Do you know whether Hakkan Aydogan took the job of  
2 Levent Balkan when he left Halkbank?

3 A. I was not mentioned that Levent Balkan had left and Hakkan  
4 Aydogan came in in his place. That's not something I recall;  
5 so I don't know.

6 Q. Do you know what Levent Balkan's title was when he was at  
7 Halkbank?

8 A. I don't know what his title may have been on his business  
9 card, but I know that he was involved in the operational side  
10 of things, and I did have communication with Mr. Levent Balkan,  
11 ma'am.

12 THE COURT: Do you want to take a five-minute break?  
13 Remember, we're going to end today at 4:30; so let's take a  
14 five-minute break.

15 (Jury not present)

16 (Recess)

17 (Jury present)

18 THE COURT: Please be seated, everyone, and we'll  
19 continue with the cross-examination of Mr. Zarrab.

20 MS. FLEMING: Thank you. Your Honor, may I proceed?

21 THE COURT: Yes.

22 THE DEPUTY CLERK: Sir, you're still under oath.

23 THE WITNESS: (In English) Yes.

24 BY MS. FLEMING:

25 Q. You used a phrase in some of the recordings that we heard

HC5PATI5

Zarrab - Cross

1 this morning and over the last few days of "cikinova" or  
2 "cikina." Those are references to false documents; is that  
3 correct?

4 A. Yes, ma'am. Cikinova is a term that we use amongst  
5 ourselves when referring to any trade that does not involve  
6 real trade and also any documents that may contain false  
7 information.

8 Q. And that phrase was around before you ever went to  
9 Halkbank, wasn't it, sir?

10 A. That is not correct, ma'am.

11 Q. Could we pull up 201-T, please. Could I ask that the front  
12 page -- looking at page 2. 201-T is in evidence.

13 Do you remember what the date of this call is?

14 A. The date is actually on the screen, ma'am.

15 Q. Well, does that help you remember the date?

16 A. It says September 19th, 2012, ma'am.

17 MS. FLEMING: Could we publish that to the jury, that  
18 page, please?

19 THE COURT: Sure.

20 Q. And if you look down at the bottom, you use the term  
21 "cikinova;" do you see that, sir? Happani uses it at the  
22 second-from-the-bottom?

23 A. Yes, I see that, ma'am.

24 Q. I'd like to go back to discussing the customs documents,  
25 the documents that were presented. And, again, looking at the

HC5PATI5

Zarrab - Cross

1 gold transactions --

2 A. Yes, ma'am. Go ahead.

3 Q. -- the documents that are presented have actual customs  
4 seals on them, don't they?

5 A. So we're talking about gold, ma'am, right?

6 Q. Yes.

7 A. Yes, ma'am; that is correct.

8 Q. And, in fact, you're aware that at a company in Turkey,  
9 like Halkbank, they can look online to see whether, in fact,  
10 the customs document matches up online to whether the goods  
11 have actually gone out through customs as reflects on the  
12 document, correct?

13 A. I don't know what Halkbank may or may not be able to check  
14 within their own internal systems online, ma'am.

15 Q. And when you talked about passengers in some of the  
16 conversations, the way gold was actually transported was by  
17 suitcases or valise, by people physically carrying it, correct?

18 A. That is correct, ma'am.

19 Q. And it's wrapped and it's sealed, correct?

20 A. So I did not see how it would be packed inside the suitcase  
21 myself directly, but I presume that's how it is, ma'am.

22 Q. And it has the markings on the package that seals, that  
23 shows the weight and the purity of the gold in the package,  
24 correct?

25 A. If what you're referring to is the markings on each of the

HC5PATI5

Zarrab - Cross

1 bars that indicates the fineness and the kilogram of that  
2 particular bar, that would be correct, ma'am.

3 Q. But also on the package, so that customs can verify the  
4 weight and purity of the gold that is going out through customs  
5 in the sealed package, that is going through its borders;  
6 you're aware of that, sir, aren't you?

7 A. I've never seen that package, ma'am.

8 Q. And Halkbank required that those custom documents be  
9 returned to Halkbank after the goods had passed through  
10 customs, correct?

11 A. That is correct, as I had testified before, we were  
12 submitting all of the documentation, customs documentation,  
13 after the export to Halkbank, ma'am.

14 Q. And in addition, when the gold was destined to go to Iran,  
15 at the times that it was required to be done when it was going  
16 to Iran, Halkbank required that boarding passes for the flight  
17 of the passengers carrying the gold be submitted to Halkbank,  
18 didn't it?

19 A. That is absolutely correct, ma'am.

20 Q. And to make it clear, when the order comes in to buy the  
21 gold, a customer has purchased the gold, the goods go out  
22 through customs and the transfers are -- the documentation is  
23 supposed to come back before the transaction is completed,  
24 correct?

25 A. That is not correct, ma'am.

HC5PATI5

Zarrab - Cross

1 Q. But what happens here is there were advance payments  
2 against the transfers, correct?

3 A. There were payments that were made in advance, yes, and  
4 after the export of the gold, we had a certain period within  
5 which we needed to get the documentation and submit them to the  
6 bank, but that would be after the export.

7 Q. Correct.

8 A. In other words, the money -- in other words, there was a  
9 period of time between the time that money would be received by  
10 us and the gold would be exported.

11 Q. Okay. But when you got involved, it would be because the  
12 bank was holding up the payments to your companies because the  
13 documentation had not been provided, correct?

14 A. No.

15 Q. The conversations that we have heard in the last few days,  
16 you are complaining about it getting held up because the staff  
17 is not releasing the payments?

18 A. With specific reference to the call, the conversation that  
19 I testified about before, which was with Abdullah Happani, I'm  
20 talking about why the payment had not been transferred yet.  
21 And what I want to clarify with the madam here is that it was  
22 not only when the bank had not transferred the money that I was  
23 getting involved in this transaction.

24 Q. But at least some of the time it was because you were upset  
25 because the bank had not transferred the funds yet, correct?

HC5PATI5

Zarrab - Cross

1 A. No, I was not getting upset. It's not necessarily getting  
2 upset. I was just trying to figure out why the money was not  
3 being transferred.

4 Q. You were calling the bank to find out why the money had not  
5 been transferred, that's why you were involved, right?

6 A. That is correct, in some examples, ma'am.

7 Q. And you don't deal with the people at the branch, right?

8 A. I would talk with them sometimes, but when the matter is  
9 not resolved at the branch level, then I would talk with people  
10 at the headquarters level.

11 Q. I thought you told us before the break that you always  
12 leave talking to the branch to the people in your staff?

13 A. Before the break, that is not the sentence that I used.  
14 What I said was I rarely speak with the branch, and I would  
15 generally leave the conversations with the branch to my staff  
16 members.

17 (Continued on next page)

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HC53ATI6

Zarrab - Cross

1 Q. You are aware that Mr. Atilla's job was not to be over the  
2 foreign operations group, aren't you, sir?

3 A. I did not know every single responsibility that may have  
4 been given to Mr. Hakan Atilla within the bank. I'm -- I was  
5 not his boss, and I don't know what his entire list of  
6 responsibilities may have consisted of.

7 Q. How many times did you speak to Levent Balkan during the  
8 time you were dealing with Levent Balkan at Halkbank?

9 A. I don't recall clearly, ma'am.

10 Q. Did you know Levent Balkan before October of 2012 when you  
11 went to Halkbank?

12 A. I knew him before, yes, ma'am.

13 Q. How did you know him before?

14 A. From the bank regarding the transactions, I had conversed  
15 with him before.

16 Q. Had you ever met him before 2012?

17 A. I don't recall, ma'am.

18 Q. Do you recall that Mr. Balkan left the bank somewhere in or  
19 about February of 2013?

20 A. I don't recall the exact date, ma'am, but I do recall that  
21 after a while, Levent Balkan had left Halkbank.

22 Q. Do you remember that you would go to him when you had a  
23 problem with money not being transferred and speaking to him  
24 about documentation that was missing?

25 A. Sometimes, but I don't recall that exactly or in a specific

HC53ATI6

Zarrab - Cross

1 way.

2 Q. You spoke with him more than you spoke ever with  
3 Mr. Atilla; isn't that true?

4 A. There is a high possibility that I had talked to him more  
5 than Mr. Hakan Atilla, ma'am.

6 Q. Do you remember speaking to Mr. Levent Balkan, for example,  
7 about partnership structures of companies in Iran?

8 A. I mean, I don't recall the specific conversation that madam  
9 might be referring to, but if my memory could be refreshed,  
10 maybe I could remember a specific conversation on that.

11 Q. I'm asking what you remember in general. You've testified  
12 for a few days as to your memory. What do you remember in  
13 general?

14 THE COURT: What do you mean, what do you remember in  
15 general?

16 Q. What do you remember without having to refresh your  
17 recollection about how many times you spoke with Levent Balkan?

18 A. Madam, I need to be 100 percent correct and truthful in  
19 what I say here, and the reason why I mentioned or had this  
20 question for you is because I cannot make or come up with  
21 opinions or estimate things because I need to be -- because I  
22 need to be 100 percent correct in what I say here.

23 Q. Do you remember any conversations that you had with Levent  
24 Balkan about partnership structures without me showing you a  
25 piece of paper?



HC53ATI6

Zarrab - Cross

1 A. Right now, I don't recall that. But for example, I  
2 remember the HSBC for 1,800,000. That phone conversation where  
3 the 1,800,000 was mentioned. I recall that one.

4 Q. Do you remember a conversation where you're telling  
5 Mr. Happani send two to Levent's boss? Do you remember that  
6 conversation?

7 A. That one, I recall absolutely very clearly, ma'am.

8 Q. And you said send it to Levent's boss, not to Mr. Atilla's  
9 boss, didn't you, Mr. Zarrab; yes or no?

10 A. Yes, ma'am, that absolutely correct. I said send to  
11 Levent, Mr. Levent Balkan's boss, that is absolutely correct.

12 Q. In fact, that was in connection with the October 2012  
13 transaction that you testified about where Mr. Suleyman first  
14 approached you for getting cut into your deal; do you remember  
15 that?

16 A. It was in October 2012 that Mr. Suleyman Aslan had  
17 approached me about receiving a bribe. But to tie that to a  
18 specific transaction would not be fair.

19 Q. Going back to the partnership structure.

20 A. Of course, ma'am.

21 Q. Halkbank required that in connection with gold transactions  
22 with Iran, that if there were sales to companies in Iran, a  
23 partnership structure of the company be provided, correct?

24 A. Just as I had testified earlier, madam, Halkbank requested  
25 that the companies that send money to our account from Iran,

HC53ATI6

Zarrab - Cross

1 their documentation, their partnership structure, be presented  
2 to the bank; that's correct, ma'am.

3 Q. It was partnership or shareholder structure to show they  
4 were private companies and not connected to the government of  
5 Iran, correct?

6 A. It was a document that was requested by the bank in order  
7 to show that the company did not have any government agency or  
8 individuals that are affiliated with the government amongst its  
9 partnership, ma'am.

10 Q. And in fact, the first conversation on the telephone that  
11 you had with Mr. Atilla in February of 2013 was him following  
12 up on where was the partnership structure, correct?

13 A. It would not be correct to say that. That may have been my  
14 first conversation with Mr. Atilla. But I do recall that this  
15 was a conversation with Mr. Atilla about the partnership  
16 structure document that was needed.

17 Q. The first telephone -- are you done?

18 The first telephone conversation we had here in  
19 evidence is February 6, 2013.

20 MS. FLEMING: Can we pull up GX 226, please.

21 A. Ma'am, I don't have the evidence, so I don't know that the  
22 first conversation we have on evidence to be on certain date, I  
23 just don't have them with me.

24 Q. Your phones were wiretapped in Turkey for a significant  
25 period of time, weren't they, sir?

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1 A. That is correct, ma'am.

2 Q. There were many, many, many calls of yours that were  
3 captured on a wiretap, right?

4 A. It is true that many were recorded, ma'am.

5 Q. Have you seen any in this courtroom or any that you have --  
6 withdrawn.

7 Have you reviewed any conversations with Mr. Atilla  
8 that are before February 6, 2013, any recorded telephone  
9 conversations?

10 A. I did not look at the dates. I did not look at the  
11 specifics, ma'am.

12 MS. FLEMING: You can take that down. Thank you.

13 Q. In addition to the customs declarations and the boarding  
14 passes and the partnership structures, there were other  
15 documents that Halkbank required in connection with the gold  
16 sales, correct?

17 A. That is correct, ma'am.

18 Q. You described for us earlier a pro forma invoice that was  
19 the first document that you supplied, correct?

20 A. Pro forma invoice is also among those documents that are  
21 presented to the bank, yes, ma'am.

22 Q. Then also, is there a document at the end that ties it all  
23 up, that the transaction is filled, it's completed?

24 A. So, they would all be sent to the bank as a package, ma'am.

25 Q. And your companies actually provided real boarding passes

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1 for real flights that went to Iran, correct?

2 A. That would be partial. There were some transactions that  
3 involved the boarding passes showing that, and there were some  
4 transactions that did not involve such.

5 Q. There was certain times that it was required and certain  
6 times it was not, correct, Mr. Zarrab?

7 A. Do you mean between Dubai and Iran, ma'am?

8 Q. I misunderstood your answer. Are you saying that you would  
9 send people -- withdrawn.

10 Are you saying you would buy tickets to Iran with  
11 stopovers in Dubai, provide the tickets -- is that -- are you  
12 saying that you would provide the tickets that show through to  
13 Iran but people would get off in Dubai?

14 A. Yes, ma'am.

15 Q. You provided tickets and boarding passes that showed  
16 through to Iran, correct?

17 A. Yes, ma'am.

18 Q. On other documents -- withdrawn.

19 Let's go to the October transactions you talked about.

20 MS. FLEMING: Could we pull up, please, and just show  
21 the transcript for 205-T. And I'd like to look at page three.

22 Q. Mr. Zarrab, you say here to Mr. Erker, "But do you know  
23 what these idiots are missing out on, you will be collecting  
24 all the money."

25 A. Yes, ma'am.

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1 Q. Can you explain what you mean by that, please?

2 A. I'm talking about the companies that would be sending money  
3 from India and Italy, ma'am.

4 Q. You're not talking about Halkbank being the idiots?

5 A. Madam, the funds were to come from India and from Italy.

6 Q. Would you go to page two, please. Would you look up where  
7 the middle of the page where it says "It's complicated." Next  
8 to it, it says "karmasik." If I've said that anywhere near  
9 close.

10 Is the translation for "karmasik," is it "it's  
11 complicated" or "it's mixed"?

12 MR. KAMARAJU: Objection.

13 THE COURT: I'll allow it.

14 A. Ma'am, there are many translators in this courtroom. And  
15 my English is not up to making that translation here.

16 Q. Is the reference to -- is the reference to the fact that  
17 the moneys are mixed; is that's what is being discussed there?

18 A. No, ma'am, that's not what I mean.

19 Q. A little further down, Mr. Zarrab, you're telling Mr. Erker  
20 "I did not provide them with a specific name, I said it could  
21 be Arab-Turk, Garanti." Do you see that?

22 A. Yes, ma'am, I see that.

23 Q. But you knew at that time who it was going to be, correct?

24 A. No, ma'am, I did not know.

25 MS. FLEMING: I'm sorry, this is in evidence. The

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1 jurors should have this on. Sorry.

2 THE COURT: They don't have it.

3 MS. FLEMING: Now I'm done with it.

4 Q. I'd like to pull up if we could GX 211 which is in  
5 evidence.

6 And does that help you with the date, Mr. Zarrab, as  
7 to what date that conversation is?

8 A. It's October 24, 2012, ma'am.

9 Q. This is a conversation between you and Mr. Balkan, correct?

10 MS. FLEMING: This is not in evidence yet. Can we  
11 pull up GX 219. Can you turn to the next page, please.

12 Q. Mr. Reza, do you recognize this call from the transcript?  
13 And my next question is going to be have you listened to the  
14 recording?

15 A. If you can allow me some time to review the transcript real  
16 quick.

17 Q. Please.

18 A. That's fine? Thank you.

19 (Pause)

20 A. Ma'am, if possible, can we also look at the next page as  
21 well?

22 MS. FLEMING: Turn to the next page, please.

23 (Pause)

24 A. And also to the next page, please?

25 (Pause)

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1 A. Yes, ma'am, I recall this conversation.

2 Q. Do you recall whether you have listened to the conversation  
3 and compared it to the transcript?

4 A. I don't remember that, ma'am.

5 MS. FLEMING: Your Honor, can we play Government  
6 Exhibit 219, let him follow along, and I would actually move it  
7 into evidence. I don't know if the government has an  
8 objection.

9 MR. KAMARAJU: We don't object, your Honor. The jury  
10 should follow along at the same time.

11 MS. FLEMING: Thank you.

12 (Government's Exhibit 219 received in evidence)

13 MS. FLEMING: Just start at page two, please.

14 THE COURT: Do they have it on their screen?

15 Q. Just as we're getting ready to start, who are the  
16 participants?

17 THE COURT: Can you get it to that screen?

18 MS. FLEMING: Do you have it up for the jury?

19 Q. Who are the participants to this conversation?

20 A. It appears to be the Ms. Secretary that had transferred the  
21 call at the bank, and also it is myself and Levent Balkan.

22 MS. FLEMING: Could I impose on the government to play  
23 it? Government Exhibit 219?

24 Q. While we're waiting for that to be hooked up, could we also  
25 show you Government Exhibit 273, just not to the jury, just to

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1 Mr. Zarrab.

2 Could you look at Government Exhibit 273 and see if  
3 you have listened to this recording and if you recognize this  
4 transcript.

5 A. I recall this conversation, ma'am. But I don't remember  
6 whether I listened to it or not.

7 MS. FLEMING: Your Honor, when we're ready to hook up,  
8 we would also move Government Exhibit 273 into evidence.

9 MR. KAMARAJU: No objection.

10 THE COURT: I'll allow it.

11 (Government's Exhibit 273 received in evidence)

12 Q. Who are the participants on Government Exhibit 273, the  
13 transcript that's in front of you, Mr. Zarrab?

14 A. It's Ms. Mehtap from Halkbank and myself, sir.

15 Q. Mehtap works in the foreign operations department at  
16 headquarters at Halkbank, correct?

17 A. I don't remember exactly, ma'am.

18 Q. Let me show another one. Can we show just to Mr. Zarrab GX  
19 215.

20 Would you please look at Government Exhibit 215 and  
21 tell us whether you recognize this one from the transcript and  
22 whether you've listened to this recording.

23 A. Ma'am, if possible, can we also go to the third page of  
24 this transcript, please?

25 Q. Sure.



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1 A. Yes, ma'am, I remember this conversation and this  
2 transcript.

3 MS. FLEMING: We would move 215 in evidence.

4 MR. KAMARAJU: No objection, your Honor.

5 THE COURT: I'll allow it.

6 (Government's Exhibit 215 received in evidence)

7 Q. Who are the participants to Government Exhibit 215, that  
8 call?

9 A. That would be Mr. Levent Balkan and myself, ma'am. But  
10 whether I had listened to it or not, I do not remember.

11 Q. Showing you what's been marked as Government Exhibit 221.  
12 Just do Mr. Zarrab.

13 Mr. Zarrab, would you look at that and see whether you  
14 recognize it and whether you compared it to a recording.

15 A. If possible, the same way, if you can please go to the next  
16 page. Thank you, ma'am.

17 MS. FLEMING: Mr. White, next page?

18 A. I remember this, ma'am.

19 Q. Do you remember whether you've listened to the recording?

20 A. I do not remember that, ma'am.

21 MS. FLEMING: We would move Government Exhibit 221  
22 into evidence.

23 MR. KAMARAJU: No objection.

24 THE COURT: I'll allow it.

25 (Government's Exhibit 221 received in evidence)

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1 MS. FLEMING: Is 225 in evidence? Can we show  
2 Government Exhibit 225 to Mr. Zarrab only.

3 A. I remember this conversation, ma'am.

4 MS. FLEMING: Your Honor, we'd move Government Exhibit  
5 225 into evidence.

6 MR. KAMARAJU: I think we had it in evidence but we  
7 don't object either way.

8 THE COURT: I'll allow it if it's not already in.

9 (Government's Exhibit 225 received in evidence)

10 MS. FLEMING: Do you want me to play a couple of them  
11 right now, Judge? There are a couple quick ones.

12 THE COURT: Sure.

13 MS. FLEMING: Ready? Could we start with -- let's  
14 start with Government Exhibit 215.

15 THE COURT: How long is that, do you know?

16 MS. FLEMING: None of them are long, your Honor.

17 THE COURT: Play one.

18 MS. FLEMING: All right.

19 THE COURT: Maybe we'll start with that tomorrow  
20 morning. It's almost 4:30.

21 MS. FLEMING: Thank you, your Honor.

22 THE COURT: We'll excuse the jury for today with my  
23 same instructions, please don't talk to each other about the  
24 case or about anyone who has anything to do with it.

25 Please be seated, everybody. Could you please be

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1 seated.

2 Please don't talk to each other about the case or  
3 about anyone who has anything to do with it until the end of  
4 the case when you go to the jury room to deliberate.

5 Second, do not talk with anyone else about the case or  
6 about anyone who has anything to do with it until the trial has  
7 ended, and you've been discharged as jurors.

8 Third, do not let anyone talk to you about the case or  
9 about anyone who has anything to do with it, and if someone  
10 should try and talk to you about the case, please report that  
11 to Christine or me immediately.

12 Fourth, do not read any news or internet stories or  
13 cable or articles or blogs or listen to any radio or TV or  
14 cable TV or internet reports about the case or about anyone who  
15 has anything to do with it.

16 And fifth, please do not do any type of research or  
17 any type of investigation about the case on your own. So,  
18 we're making good progress. I'll let you go for today and I'll  
19 see you at 9:15 tomorrow morning. Thanks a lot.

20 (Jury excused)

21 THE COURT: Ms. Fleming, we'll line up the recordings  
22 for tomorrow.

23 MS. FLEMING: Yes.

24 THE COURT: You'll line them up for tomorrow morning?

25 MS. FLEMING: Maybe we can impose on the paralegal who

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1 never sleeps.

2 THE COURT: I'll see everybody in the morning. And  
3 the CSO will tell you when the coast is clear. Thank you.

4 MR. KAMARAJU: Thank you, your Honor.

5 (Adjourned until December 6, 2017, at 9:15 a.m.)  
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